


2024 - 2025 Annual Report

*Office of the Information and
Privacy Commissioner for Nova Scotia*



Photo credit: The Province of Nova Scotia

Vision

Nova Scotia's public sector is open and accountable. Privacy rights of citizens are respected and protected.





Office of the Information & Privacy Commissioner

Nova Scotia

September 23, 2025

The Honourable Danielle Barkhouse
1st Floor, Province House
PO Box 1617
Halifax, Nova Scotia B3J 2Y3

Dear Madam Speaker,

Pursuant to s. 33(7) of the *Freedom of Information and Protection of Privacy Act*, s. 4(3) of the *Privacy Review Officer Act* and s. 93(b) of the *Personal Health Information Act*, I submit this annual report for the 12 month period of April 1, 2024 through to March 31, 2025.

Respectfully submitted,

David Nurse
Information and Privacy Commissioner for Nova Scotia

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Glossary:

OIPC	Office of the Information and Privacy Commissioner for Nova Scotia
IPC	Information and Privacy Commissioner
IAP Services	Information Access and Privacy Services for the Nova Scotia Government
FOIPOP	<i>Freedom of Information and Protection of Privacy Act</i>
MGA	<i>Part XX of the Municipal Government Act</i>
PHIA	<i>Personal Health Information Act</i>
PRO	<i>Privacy Review Officer Act</i>
s.	Section
Public body	Provincial public body, municipality or health custodian that is subject to any Nova Scotia access to information or privacy law

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Commissioner's Message

I would like to begin by recognizing my predecessor, Commissioner Tricia Ralph, for her five years of service as Information and Privacy Commissioner for Nova Scotia. Commissioner Ralph navigated the Office of the Information and Privacy Commissioner for Nova Scotia (OIPC) through the Covid-19 pandemic, modernized OIPC procedures, and repeatedly advocated for adequate, sustained funding for the OIPC. On a personal note, I want to thank former Commissioner Ralph for meeting with me, and sharing her frank, insightful advice on how to make the best of my five-year term.

2024-2025: a Busy, Productive Year for the OIPC

2024-2025 was a busy and productive year for the OIPC, as this report reflects. The OIPC closed 450 files, met with 368 key stakeholders inside and outside of government, and issued important decisions on the MOVEit privacy breach, delayed decision making, and the privacy rights of deceased individuals. The OIPC also produced tools on the role and responsibilities of the OIPC, what fees applicants can be charged, and a new form for filing a privacy review. The office also reviewed existing processes and made changes, including how we approach reviews of fee estimates and fee waiver requests.

The OIPC faced a surprise challenge in spring 2025 when the government amended the *Freedom of Information and Protection of Privacy Act (FOIPOP)* and *Part XX of the Municipal Government Act (MGA)* to allow public bodies and municipalities to disregard access requests with the permission of the Information and Privacy Commissioner.

Access requests may now be disregarded for several possible reasons, including if they are trivial, frivolous, or vexatious, or amount to an abuse of the right to make a request. Since the implementation of this change, the OIPC has ruled on almost twenty applications to disregard submitted by public bodies or municipalities. Our early impression is that smaller municipalities with limited freedom of information and protection of privacy resources may need assistance from the OIPC and government to understand, and effectively exercise, this new and significant power.

Looking Ahead with Cautious Optimism

At the time of writing, I have been in this role for a little over four months, and I am looking ahead to 2026 with cautious optimism. The Government of Nova Scotia has undertaken a review of *FOIPOP*, and I have had the opportunity to meet with the staff

Commissioner's Message

leading the review. I believe that the excellent recommendations from my predecessors Catherine Tully and Tricia Ralph for improvements to our access and privacy laws have been carefully reviewed and considered by government. If and when the review is finalized and the government tables legislation, I will provide full and frank advice to the government on the proposed changes and argue against any change that does not serve the overarching purpose of *FOIPOP*: to make public bodies more accountable to Nova Scotians.

The OIPC made real progress in addressing our backlog of longstanding cases in 2024-2025, and that work will continue in the year ahead. It is vital that we reduce the time between when we receive a request for a review and when we initiate our investigation. As a result of the current amount of longstanding cases, requests for review sit for up to four years before they are moved forward. This is unacceptable and significantly undermines the original purpose of the OIPC – to provide a no-cost, accessible, and timely alternative to appealing an access decision in court. Addressing the current backlog will be my number one priority during my tenure as Commissioner.

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Thank you to OIPC staff

I want to conclude by thanking the OIPC staff for their diligent work on behalf of Nova Scotians in 2024-2025, and for their genuine, warm welcome when I joined the OIPC in April of this year.

Carmen Stuart, our Executive Director, who also served as Acting Information and Privacy Commissioner on several occasions, has announced she will be leaving the OIPC in October of 2025. Carmen's departure is a significant loss to the OIPC. Over a 20-year career with the OIPC, Carmen saw the office grow from three people – the then Commissioner Darce Fardy and two employees – to the current complement of 12. Carmen has demonstrated a sincere commitment to protecting Nova Scotians' access and privacy rights throughout her career, and trained and mentored all of our current staff – as well as dozens of access and privacy professionals who passed through the OIPC at some point in their careers. I know I can speak for all of my predecessors when I say, thank you, Carmen, for your service to the OIPC and to Nova Scotia.

Yours sincerely,



David Nurse
Information and Privacy Commissioner for Nova Scotia

Thank you, Carmen Stuart!

The OIPC's Executive Director and Chief Privacy Officer, Carmen Stuart, retires this year after more than 20 years of dedicated public service. The legacy she leaves behind is one of deep respect for access to information as a fundamental right.

Over the years, she worked in many roles related to access and privacy, including FOIPOP Administrator, Investigator and Mediator, Director of Investigations, Executive Director and Chief Privacy Officer. She was Nova Scotia's Acting Information and Privacy Commissioner in 2014, 2019 and 2025. She has worked with six Commissioners, and notes that under-resourcing has been a challenge the OIPC has faced throughout each Commissioner's term.

Knowing every aspect of the work of the OIPC has enabled her to best support each Commissioner, empower the staff and serve the public. When it comes to access and privacy in Nova Scotia, Carmen has seen it all. She has led the OIPC team through numerous investigations, both simple and complex. And through the most challenging times, she led with quiet, unwavering strength.

Seeing the effects outdated legislation has on the public's right to know, Carmen has consistently advocated for Nova Scotia's access and privacy laws to be modernized. Even as she looks ahead to retirement, her passion for a strong access and privacy regime in Nova Scotia remains. She said, "a review of the outdated laws is underway. We made comprehensive submissions and I am hopeful the necessary changes are made. Modernizing Nova Scotia's access and privacy laws will improve the outcomes for everyone – citizens, public bodies and the OIPC."

Overwhelmingly, OIPC staff would describe her leadership as steady, kind, and resourceful. She has been the OIPC's bedrock of continuity for almost 20 years, lending her support to colleagues every day. Always giving, always helping, always striving for the OIPC to do better.

Nova Scotians have benefited from her knowledge, experience, and steadfast vigilance in upholding access to information and privacy rights.

Congratulations on your retirement, Carmen!
Thank you for everything!



THE YEAR IN NUMBERS

Total Number of
New Files

696

We received **456** reviews and complaints
and **240** files initiated by public bodies.

Education &
Outreach



984 Inquiries
35 Media Requests
30 Speaking Engagements
4 New Tools



45

Breaches Reported -
Personal Health
Information Act

Under section 70 of the Personal Health Information Act, health custodians are required to notify the Information and Privacy Commissioner of breaches of personal health information where the custodian has determined there is no potential for harm or embarrassment to the individual and has not notified the affected individual.

81

Access and/or privacy
consultations with public
bodies



87%

of review files resolved informally

The OIPC's Role¹

The OIPC is the independent oversight body for Nova Scotia's access to information and privacy laws: *FOIPOP*, *PRO*, *Part XX* of the *MGA* and *PHIA*. Provincial public bodies, municipal bodies and health custodians are all subject to oversight by the OIPC. The table below uses the term "public body" to refer to these provincial public bodies, municipal bodies and health custodians that are subject to Nova Scotia's access to information and privacy laws.

Many people call or complain to the OIPC about matters that we cannot help with. To determine if the OIPC can review the matter, refer to the chart below describing what we can do and what we cannot do.

What the OIPC Cannot Do	What the OIPC Can Do
<ul style="list-style-type: none"> Does not process access requests, correction of personal information requests or privacy complaints on behalf of public bodies. Individuals must make their request or complaint directly to the relevant public body. Cannot release records submitted by public bodies to the OIPC for review. The Commissioner cannot order a public body to disclose records, he can only make recommendations. If records are released, they never come from the OIPC. Does not store records on behalf of any public body. Cannot conduct a search for records on behalf of a public body. Cannot review how public bodies respond to privacy complaints under the <i>MGA</i>. Cannot issue monetary awards, fines or penalties. Cannot enforce the offence and penalty provisions of <i>FOIPOP</i>, <i>MGA</i> or <i>PHIA</i>. Cannot force anyone to be disciplined, suspended or fired from their job. Decisions related to job discipline are made by the employer and the OIPC cannot change those decisions. Cannot review how a public body's services are provided, or how it treats its clients. Cannot change, further investigate, or reinvestigate a decision made by another public body or administrative tribunal about providing a benefit or issuing a penalty, such as decisions made by the Workers' Compensation Board, the Department of Opportunities and Social Development, police, enforcement officers, etc. 	<ul style="list-style-type: none"> Can review how public bodies respond to access to information (or freedom of information) requests (access requests) under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>. The OIPC only conducts a review if someone is dissatisfied with the public body's response and requests a review. Issues such as search, severing and fees can be investigated. Can review how public bodies respond to correction of personal information requests under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>. Can review how public bodies respond to privacy complaints under <i>PRO</i>, <i>FOIPOP</i> and <i>PHIA</i>. May require a public body to produce any record in its custody or control to the OIPC for the purpose of conducting a review. May enter and inspect any premises occupied by a public body. May informally resolve or mediate reviews, or issue review reports with findings and recommendations. <div> <p>Need help with the terms in this table? Check out our glossaries:</p> <ul style="list-style-type: none"> <u>Review Request Terms</u> <u>Access to Personal Health Information Terms</u> <u>Privacy Terms (Personal Health Information Act)</u> </div>
This table continues on the next page.	

¹ This article was adapted from content available on the website of the Office of the Information and Privacy Commissioner of Alberta.

The OIPC's Role

What the OIPC Cannot Do	What the OIPC Can Do
<ul style="list-style-type: none"> • Cannot act on behalf of or represent any individual or public body. The OIPC is neutral. The OIPC is not an advocate for the applicant or the public body. The OIPC is an advocate for compliance with the access and privacy laws. • Cannot review or investigate the actions of individuals as private citizens. • Cannot be a party to any appeal to the Nova Scotia Supreme Court under <i>FOIPOP</i>, <i>MGA</i> or <i>PHIA</i>, and cannot offer advice or guidance on court processes. • Does not have authority to draft or change laws. • Cannot make public bodies document their decisions or create records. • Cannot approve how long records must be kept by a public body. • Cannot require a public body to proactively make records available to the public. • Cannot accept a review or complaint about a federal government organization or a private business. This includes privacy concerns stemming from a private company or landlord/tenant relationship. • Cannot determine where records are stored, including verifying which public body has the records applicants are seeking. • Cannot act as an intermediary between applicants and public bodies while a public body is processing an access request, correction or privacy complaint. 	<ul style="list-style-type: none"> • Can initiate an investigation of a public body's compliance with privacy provisions in <i>FOIPOP</i> or <i>PHIA</i>, even without a request for review. These reviews may result in public investigation reports. • Does process requests from public bodies for time extensions to respond to access requests under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>, and time extension requests to respond to privacy complaints under <i>PHIA</i>. • On request of public bodies, may consult on various access and privacy matters, including legislation, programs, policies, initiatives, issues and other matters under <i>FOIPOP</i>, <i>PRO</i>, <i>MGA</i> and <i>PHIA</i>. • Does review privacy breach reports submitted by public bodies under s. 70 of <i>PHIA</i>. • Does receive notifications under s. 57(d) of <i>PHIA</i> of personal health information disclosures to researchers. • May develop education resources and provide access and privacy training to public bodies. • May make presentations to various groups about access and privacy laws and the OIPC's work.

See our website for tools with information about:

- [How to make an effective access to information request](#)
- [How to make a privacy complaint](#)
- [Understanding your rights when public bodies withhold or sever information](#)
- [Understanding your rights when there are records missing from your access request](#)

Annual Backlog Update

Each year we report on the backlog of longstanding cases. For the first time in over 10 years, our backlog did not meaningfully grow. On April 1st, 2024, we had 700 files and on March 31st, 2025, we had 706 files. In the months between, we received 456 files and closed 450, the largest volume of files closed in a single reporting period in our office's history.

The graph below shows how many files we received (orange line) compared to how many we closed (gray line), for the past ten years. The two are not equal and the difference becomes the backlog (blue line).

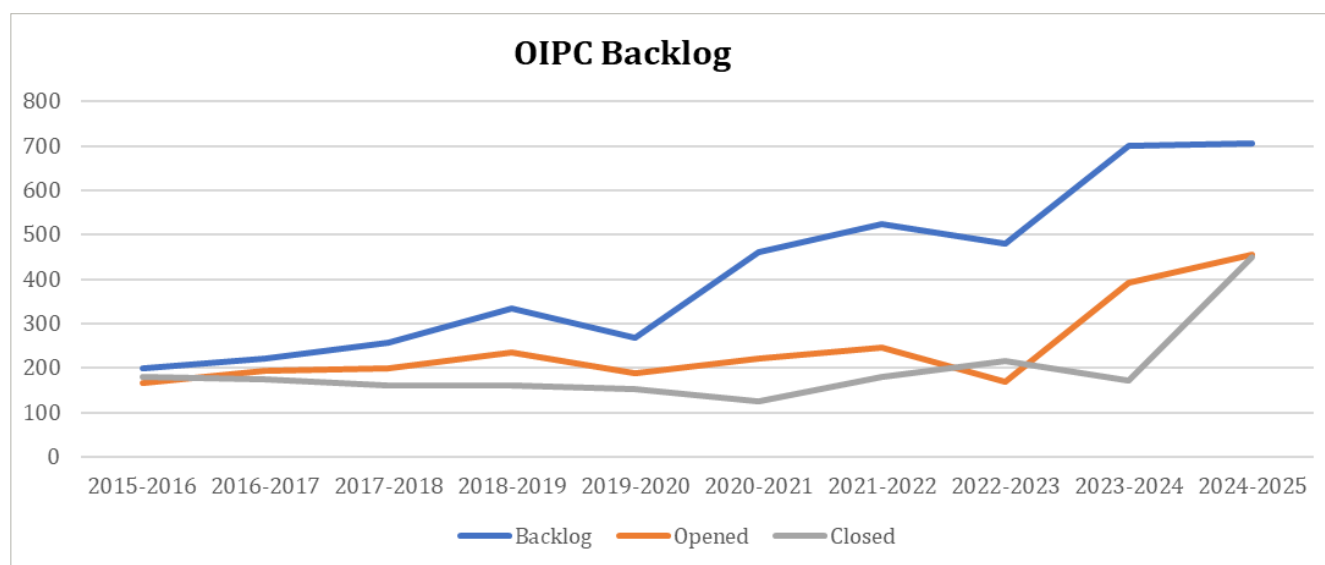
Most of these are cases where a public body² has withheld information, and the applicant believes they are entitled to it. The applicants have asked that our office review the severing to ensure it is compliant with the law. The other type of case is privacy complaints. When an applicant files a privacy complaint with a public body and they are not satisfied with the response they receive, they ask our office to have a closer look. We have cases waiting to be assigned that were received as far back as 2021. In other words, it can take up to four years for applicants to have their requests for review and privacy complaints heard by our office.

Our capacity reached a critical point many years ago, and we have reported that we have exceeded the

office's capacity to keep pace with the utilization of our office. The office received three temporary staff to assist with reducing our amount of longstanding cases. The ability to overcome the backlog with insufficient resources remains the largest challenge of the office.

The achievement of slowing the growth of the backlog this year is due to the grit, strength, determination, and commitment of OIPC staff to provide timely decisions to those we serve. We recognize there is more work to be done to reduce the inventory of longstanding cases. Efforts include continuous process improvements to each element of the review process to find the most effective and efficient way to resolve reviews and complaints in a timely manner.

On March 26th, 2025, amendments to Nova Scotia's privacy and access laws came into force that gave the Commissioner the authority to refuse to conduct or discontinue a review in certain circumstances. This provides critical tools for our office to help effectively manage the backlog and prevent its further growth. The Nova Scotia Government's access and privacy legislation review continues and we look forward to additional positive changes to improve Nova Scotians' access and privacy rights, including timely decisions from this office.



² Public bodies include government departments, universities, regional centres for education, municipalities and municipal bodies, municipal police, transit authorities, health authorities, health custodians, agencies, boards and commissions.

Process Improvement Successes

For the first time in over 10 years, we stabilized the growth of the backlog of longstanding files. Carrying 700 files into 2024-2025 marked the largest backlog in our office's history. It was clear something needed to change. Repeated requests for additional resources went unanswered. We needed to find some solutions with the limited time and resources we had.

Access reviews and privacy complaint reviews each have their own processes that follow four stages: (1) intake, (2) investigation, (3) public review report, and (4) post review report. We began looking at the 700 files to assess whether there were any bottleneck areas, meaning stages where files accumulated faster than could be processed.

For both access reviews and privacy complaint reviews, there were bottlenecks at stages 1, 2, and 3. Additional bottlenecks were identified for specific access review types, including fees and search files.

Understanding where the bottlenecks existed, we then focused on the processes involved. We evaluated and brainstormed solutions with the existing resources we had. Processes for fee and search reviews were updated and improved, increasing the engagement of the parties in seeking resolutions to the issues. The privacy complaint request for review process was re-designed, improving the quality of information received at the outset.

Results of these process improvements included increased engagement of the parties, greater informal resolution of reviews and where reviews proceeded to public review report, better information allowed the issue to be more efficiently addressed by the Commissioner.

Defining bottlenecks and improving processes that contributed to those bottlenecks allowed us to process all of the files that were at stages 1 & 3. Significant changes were made to some of the processes at stage 2, all of which led to a tremendous outcome, with 450 files processed and closed in the reporting period.

On March 26th, 2025, amendments to Nova Scotia's access and privacy laws came into effect, providing additional tools to help our office address and manage our inventory of longstanding cases. The ability to refuse to conduct or discontinue reviews is another way in which we can effectively manage the reviews and complaints we receive.

Going forward, the strategies we used in 2024-2025, including identifying bottlenecks, implementing process improvements and applying effective case management strategies, will continue to be used to help reduce our backlog and improve OIPC operations.



MOVEit Privacy Breach

As we reported in last year's Annual Report, the Nova Scotia Government, including its Nova Scotia Health and IWK Health partners, were subject to the biggest cyberattack ever experienced in this province at that time. Threat actors exploited a vulnerability in a file transfer system used by the Nova Scotia Government called MOVEit to extract large amounts of personal information about thousands of Nova Scotians.

The breach affected approximately 168,000 individuals, ranging from current and former Nova Scotia Government employees (including job applicants) to members of the public, youth, incarcerated individuals, and more. The stolen personal information was highly sensitive and included financial information, social insurance numbers, contact information, personal health information, and more. Misuse of this information could have significant impacts on those affected for many years down the road.

The Investigation

After receiving approximately 110 privacy complaints from individuals who had been notified that their privacy had been breached in the MOVEit incident, we launched an own-motion investigation to respond to these complaints in one report.

Our investigation revealed that the Nova Scotia Government:

- failed to comply with its obligation to have reasonable security and information safeguards in place,
- frequently misused the MOVEit file transfer system as a repository for personal information,
- did not have retention/disposition schedules for files in the MOVEit repository,

- did not conduct a privacy impact assessment (PIA) for MOVEit. Many of the misuses of MOVEit would likely have been identified and addressed if a PIA had been done, and
- took reasonable steps to contain the breach once it became aware of it, promptly notified those affected and offered an appropriate length of time for credit monitoring.

The Recommendations

The Commissioner recommended that the Nova Scotia Government:

- complete a PIA for MOVEit and post appropriate portions on its website,
- create retention/disposition schedules for all users of MOVEit,
- make a reasonable effort to maintain up-to-date contact information for all citizens that it holds personal information about, and
- create and make public a mandatory post-incident response plan and update the public on its implementation.

The Nova Scotia Government's Response

The government accepted all of the Commissioner's recommendations. Implementation of the Commissioner's recommendations is currently in progress.



MOVEit Privacy Breach: By the Numbers

The breach impacted an estimated **18.5 million** people worldwide.

The Nova Scotia Government sent privacy breach notification letters to approximately **168,000** individuals.

14,200 MOVEit notification letters were returned to one Nova Scotia Government department.

1,923 patients had personal health information stolen.

30,000 people signed up for the credit monitoring service.

In 2023, the OIPC received **700** calls from affected individuals solely in relation to MOVEit.

Responding to the MOVEit breach cost the Government **\$3.8 million**.

Bill 1: Long Awaited Changes

During the 2025 spring sitting of the House, the Premier introduced Bill No. 1 - An Act Respecting Government Organization and Administration. This omnibus bill included amendments to Nova Scotia's access and privacy laws.

The Nova Scotia Legislative Assembly passed amendments to the *Freedom of Information and Protection of Privacy Act (FOIPOP)*, *Part XX of the Municipal Government Act (MGA)* and the *Privacy Review Officer Act (PRO)* (collectively referred to as "Acts"). These amendments received royal assent on March 26th, 2025.

One of the changes to these Acts was to give provincial and municipal government institutions (public bodies) the ability to apply to the Information and Privacy Commissioner (known in the laws as the Review Officer) (Commissioner) to disregard:

- access to information requests,
- requests for a correction to the applicant's personal information, and
- privacy complaints.

Another change to these Acts was to give the Commissioner the authority to refuse to conduct or discontinue a review.

Our office requested these changes to the Acts, in our [Accountability for the Digital Age, Modernizing Nova Scotia's Access and Privacy Laws \(2017\)](#) (see recommendations #10 and #30).

Both of these new powers are serious matters. Using these powers could have the effect of removing an applicant's express rights, however the right of access to information is not absolute. The Legislature recognizes that there will be certain individuals who may use the access laws in a way that is contrary to the principles and objectives of the law. Abuse of the right of access or correction can have serious consequences for the rights of others and for the public interest. By overburdening a public body, misuse by one person can threaten or diminish a legitimate exercise of that same right by others.

These new powers only came into effect days before the end of the period covered by this Annual Report. We will have more to report next year, but for this year we can only point to the tools our office has created to assist public bodies wishing to make applications to disregard and to help applicants understand the conditions under which the Commissioner may refuse to conduct or discontinue a review – [Guide to Application to Disregard](#) and [Policy, Procedure and Criteria for the OIPC's Authority To Refuse to Conduct a Review or To Discontinue a Review](#). Decisions related to applications to disregard are posted to our website on the [Publicly Issued Reports](#) page.



Photo credit: The Province of Nova Scotia

Service Plan for the Office of the Information and Privacy Commissioner

April 1, 2025 – March 31, 2026

Introduction

This Service Plan serves as our Statement of Mandate and our Accountability Report. The Service Plan reports on the outcome of our performance in the past two years and sets new performance measures for the coming year.

Vision

- Nova Scotia's public sector is open and accountable.
- Privacy rights of citizens are respected and protected.

Statement of Mandate

The Office of the Information and Privacy Commissioner for Nova Scotia (OIPC) is the impartial oversight agency responsible for monitoring and overseeing compliance with four statutes: the *Freedom of Information and Protection of Privacy Act (FOIPOP)*, the *Privacy Review Officer Act (PRO)*, *Part XX of the Municipal Government Act (MGA)*, and the *Personal Health Information Act (PHIA)*.

Under these four statutes, the OIPC provides impartial oversight over more than 400 public bodies³ and more than 26,000 health custodians.

Who We Serve

Under *FOIPOP*, *PRO*, *MGA*, and *PHIA* we serve:

- Citizens
- The Legislative Assembly of Nova Scotia

How We Do Our Work

Pursuant to the statutory duties assigned to the OIPC, we : 1) investigate access to information appeals and privacy complaints, 2) conduct investigations into privacy breaches (including through self-initiated investigations), 3) provide comments on the privacy and access implications of proposed legislation, programs, policies and technologies, and 3) conduct research, and educate the public about their access and privacy rights and public bodies and health custodians about their legal obligations.

Where necessary, the Commissioner conducts formal hearings and issues recommendation reports.

Key Strategic Priority for 2025-2026

The OIPC's key strategic priority for 2025-2026 is to provide more timely, relevant decisions on reviews filed with our office. Our current inventory of longstanding cases means we are taking up to four years to begin investigations. This is unacceptable and we must use every tool we have – including issuing abbreviated review reports, and discontinuing reviews in appropriate circumstances – to reduce our inventory of longstanding cases and improve the timeliness of our work.

The current delays undermine the relevance of our work and undermine the public's confidence in the OIPC and in our access to information system. The delays also prompt applicants with urgent cases to go immediately to court; this is precisely what use of the OIPC is intended to avoid. We are intended to be a no-cost alternative to court. Addressing our backlog is the most important thing we can do to demonstrate the value of the OIPC's expertise.

Outcome Highlights

The results of our performance measures were mixed. The two most noteworthy were:

- We saw a significant decrease in the acceptance rate of the Commissioner's recommendations – from 76% in 2023-2024 to 30% in 2024-2025. This is a worrying signal, which we will closely monitor in 2025-2026.
- We saw a return to our informal resolution rate goal of 85%. There was a downward trend for the two previous years – 83% in 2022-2023 and 80% in 2023-2024. This is a good sign.

³ In the Service Plan section of this Annual Report, the term "public body" includes government departments, universities, regional centres for education, municipalities and municipal bodies, municipal police, transit authorities, health authorities, agencies, boards and commissions.

Goal 1: An Open and Accountable Public Sector

The goal of having an open and accountable public sector goes to the heart of the purpose of access to information laws. One of the ways to measure the effectiveness of those laws is to monitor the timeliness of responses. After all, access delayed is access denied.

The first measure we used in the prior year was a measure largely outside of our control. It was the timeliness of government's responses to access to information requests as reported by the government in its annual report.⁴ While we hope our work contributes to a timely response rate by government, we are moving to a measure that is more directly within the OIPC's control.

2024-2025 Outcomes

The government does not report statistics on its performance until September following the close of the fiscal year. Therefore, the most recent statistics available for government performance are from 2023-2024. Information Access and Privacy (IAP) Services reported that in 2023-2024, government departments responded to access to information requests within 30 days 80% of the time. This is the same as the previous year. The statistic is somewhat limited because while the law requires a response within 30 days, it also permits time extensions in some circumstances. What this means is that a perfect outcome will not necessarily be 100%, but certainly the departments should be aiming to be above 90%. This year's 80% response rate falls below the 90% target rate we set for this performance measure.

There are two other measures we track in terms of how long government takes to process access to information requests: time extension requests⁵ and deemed refusals.⁶ Time extension requests decreased by 9% in 2024-2025 and deemed refusal reviews increased by 83%. This is a significant and concerning increase.

On a positive note, because our deemed refusal process has been designed to not create further delay to applicants, 93% of the applicants who came to us to address a deemed refusal got a decision issued to them within about 15 days.

2025-2026 Strategies

We have three main strategies this year:

- **Utilize Commissioner's Authority to Terminate in Appropriate Cases:** In spring 2025, the provincial government amended *FOIPOP*, *MGA*, and *PRO* to allow the Commissioner to refuse to conduct or discontinue a review for whatever reasons the Commissioner considers appropriate including that "the review is trivial, frivolous or vexatious or is made in bad faith" or "the subject-matter of the review has already been addressed" by the OIPC. The Commissioner will utilize this authority as appropriate to ensure that appropriate cases are terminated, and the OIPC can focus its time and attention on those reviews that are most likely to make public bodies more accountable.
- **Issue Abbreviated Reports for Deemed Refusal Cases:** Deemed refusal cases arise when a public body does not issue its decision in the required 30-day time period, or an authorized extended period. In such cases, the Commissioner has no authority to recommend anything beyond the timely completion of the work; therefore, abbreviated (1-2 page) reports will be employed in most of these cases to allow resources to be focused on reviews that are most likely to make public bodies more accountable.

⁴ The most recent report available for Information Access and Privacy Services is the 2023-2024 Annual Report available at: <https://openinformation.novascotia.ca/Other-Disclosure/IAP-Services-Annual-Report-2023-2024/6m2z-3nqf/about_data>.

⁵ Time extension requests occur when a public body or health custodian seeks approval from the OIPC to extend the time to respond to an access to information request to more than 60 days. There are several legislated criteria that the public body or health custodian must meet in order to be granted a time extension.

⁶ Deemed refusals are cases where the public body or health custodian has not responded at all within the legislated timelines (with or without a time extension) and so they are deemed to have refused to provide the information requested.

Goal 1: An Open and Accountable Public Sector

- **Duty to Assist:** A foundational responsibility of public bodies under our access to information laws is the duty to assist applicants who make access to information requests. We plan to continue our past work on this topic by finalizing and publishing guidance materials to help public bodies understand and comply with their duty to assist.

Performance Measure	2023-2024	2024-2025	2025-2026
1. Percentage of requests processed within 30 days by government departments.	Goal = 90% Outcome = 80%	Goal = 90% Outcome = not yet reported	Measure discontinued for 2025-2026
New Performance Measures for 2025-2026			
Total number of requests for review resolved.	Goal 1: 10% increase over 2024-2025 numbers. Baseline = 319 Goal 2: More requests for review are closed than are received.		

Goal 2: Respect for and Protection of Privacy by Public Bodies and Health Custodians

2024-2025 Outcomes

A good way to improve respect for and protection of privacy among public bodies and health custodians is to provide training and information so that those tasked with ensuring compliance with privacy laws understand the rules. Last year, we reached just over 360 people with our education and outreach programs. We declined 14 requests for training, speeches, meetings, requests to speak to the media, and committee memberships due to capacity issues.

We offer a variety of services to public bodies and health custodians to assist them with privacy issues. This year, we provided the following services:

- 31 privacy consultations were completed, and
- 12 voluntary breach reports were received and OIPC feedback was given.

While these numbers are down from 2023-2024, we still view this as being a good indicator that public bodies and health custodians are showing respect for privacy.

One unfortunate factor this year again was that no public body or health custodians consulted with us on privacy impact assessments (PIAs). We normally provide feedback on two or three each year. We don't know if this indicates that PIAs are not being done, or if public bodies and health custodians do not see the value in engaging the expertise of the OIPC as part of this exercise. Unlike some other jurisdictions, OIPC review of PIAs is not mandatory in Nova Scotia.

2025-2026 Strategies

A PIA is an essential tool for ensuring compliance with the privacy requirements set out in Nova Scotia's access and privacy laws. They are a building block of a good privacy management program. We are not sure if public bodies and health custodians are completing a PIA for all new systems, projects, or when any significant changes are being contemplated to projects, programs or systems.

Goal 2: Respect for and Protection of Privacy by Public Bodies and Health Custodians

In 2025-2026, we are going develop a project plan for 2026-2027 to gain insight into the use of PIAs by public bodies and health custodians, raise awareness on the importance of PIAs, and proactively offer our consultation services to review PIAs completed by public bodies and health custodians.

As such, we are retiring our previous privacy performance measure and are introducing a new measure, below, that focuses on PIAs.

Performance Measure	2023-2024	2024-2025	2025-2026
2. Increase the number of PIA consultations by 10% over the previous year.	Goal = NA Outcome = 1	Goal = NA Outcome = 0	Goal = 2

Goal 3: Public Awareness of Access and Privacy Rights

2024-2025 Outcomes

Our third goal was to increase the public's awareness of their access to information and privacy rights. We measure this goal by keeping track of the number of individuals who attend OIPC presentations and by tracking our presentations, tools and media articles.

In 2024-2025, we participated in and presented at some public awareness events but did less than usual given our resource issues. Our main message continued to be the need for modernization of Nova Scotia's legislation to improve access rights and better protect privacy. We were able to share our message with 368 individuals, which was about half our goal.

We produced two tools for applicants:

1. [When do you have to pay fees?](#)
2. [The OIPC's Role - What the OIPC Can and Cannot Do](#)

2025-2026 Strategies

We will continue to look for opportunities to produce tools based on the topics and issues that we are being contacted about.

We have reduced our goal to reach 700 individuals through meetings, speeches and training sessions, to 250 individuals. This will allow us to focus our limited resources on our key strategic priority - provide more timely, relevant decisions on reviews filed with our office.

Performance Measure	2023-2024	2024-2025	2025-2026
3. Total number of individuals who attend OIPC presentations in Nova Scotia. ⁷	Goal = 700 Outcome = 717	Goal = 700 Outcome = 368	Goal = 250
4. Number of OIPC presentations, media articles and tools. ⁸	Goal = 40 Outcome = 70	Goal = 40 Outcome = 57	Goal = 40

⁷ Presentations include speeches, meetings, training sessions and public education sessions.

⁸ Presentations include speeches, meetings, training sessions, public education sessions, not necessarily in Nova Scotia.

Goal 4: Efficient and Effective OIPC Operations

2024-2025 Outcomes

Our final goal was to implement efficient and effective OIPC operations. Every year it becomes more difficult to achieve this goal because most years we get more files than the year before, without a corresponding increase in our number of staff. 2024-2025 was no exception. In fact, we saw the largest increase in new files received in the history of our office, for a second year in a row. We received 18% more access reviews and privacy complaints over the previous year (which saw a 133% increase). The great news is, we have closed more files in 2024-2025 than in the history of the office, resulting in the backlog only growing by 6 files compared to the end of 2023-2024 when it had grown by 221 files. This is a huge success.⁹

This year, we had improved success in resolving files without the need to go on to a public review report. This year our informal resolution rate was 87%, which was a notable increase from the previous year and higher than our goal. This is the best informal resolution rate we have seen in years, and we consider this a big success. Informal resolutions to reviews result in less work for all involved and more timely decisions for applicants.

On the other hand, where review reports were issued, we saw a huge decrease in public bodies' and health custodians' uptake of the Commissioner's recommendations.

This year, the number of recommendations public bodies and health custodians accepted went from 76% in 2023-2024 to 30% in 2024-2025. This is very concerning. We continue to believe that the fact that public bodies and health custodians are not required to comply with the Commissioner's recommendations is a significant weakness in our access to information and privacy laws and we have continued to advocate for the laws to be modernized to fix this weakness.¹⁰

The main way we achieve efficient and effective operations is to provide our staff with the training and support they need to do their jobs well. 2024-2025 was the third year we received a training budget.

We were able to offer staff a variety of learning and development opportunities related to:

- Specialized training for OIPC investigators,
- Administrative justice,
- Communication and conflict resolution,
- Time management and productivity,
- Workplace health, safety and wellness,
- Diversity, culture, heritage and language, and
- Orientation, career and retirement.

2025-2026 Strategies

We will continue our strategies of regular case file reviews, team meetings and staff training. We will also continue to examine our processes for opportunities for improvement.

We aim to utilize the Commissioner's new authority to terminate in appropriate cases, and focus less on informal resolutions.

In terms of the acceptance rate of the Commissioner's recommendations, this measure is largely out of our control. We have and will continue to encourage the government to update the legislation.¹¹ The government began its review of the legislation in the fall of 2023. Our public submission is available on our [website](#). We are hopeful that the review will be completed in the fall of 2025. The time for change is long overdue.

⁹ See page 11 of this Annual Report for more information about our backlog of longstanding cases.

¹⁰ See pages 8-21 of our [2021-2022 Annual Report](#) and our [Submission to the Nova Scotia Government on its review of Nova Scotia's access and privacy laws \(2024\)](#) for more information about weaknesses that need to be addressed.

¹¹ In 2021, the Minister of Justice was given a [mandate](#) to amend *FOIPOP* to give the Commissioner order-making power.

Goal 4: Efficient and Effective OIPC Operations

In 2025-2026, we are retiring performance measure five, to respond to access and privacy inquiries within 2 days 98% of the time. Measuring our response rate to all inquiries is not a useful metric; a more nuanced approach is more appropriate. Rather than measuring our response rate to all inquiries, we need to prioritize providing substantive responses to inquiries regarding matters where we have jurisdiction. We are regularly inundated with calls and e-mails regarding private-sector privacy complaints (often involving landlords or private corporations, such as Nova Scotia Power). We will be preparing automated messages that inform citizens when a matter is out of our jurisdiction, and suggesting next steps for them. We will be focusing on providing timely, substantive responses on matters over which we have jurisdiction.

Performance Measure	2023-2024	2024-2025	2025-2026
5. Percentage of access and privacy inquiries that receive a response within two days. ¹²	Goal = 98% Outcome = 98%	Goal = 98% Outcome = 93%	Measure discontinued for 2025-2026
6. Percentage of reviews (<i>FOIPOP</i> , <i>MGA</i> and <i>PHIA</i>) that are resolved informally. ¹³	Goal = 85% Outcome = 80%	Goal = 85% Outcome = 87%	Goal = 80%
7. Percentage of review report recommendations accepted by public bodies and municipal bodies.	Goal = 65% Outcome = 76%	Goal = 65% Outcome = 30% ¹⁴	Goal = 65%

¹² Inquiries are telephone calls, letters and emails that request basic access and privacy information such as how to file an access request, where to file a request, how to file a review and general privacy rights. In 2024-2025 we responded to 910 of 984 inquiries within two days.

¹³ Mediation, informal resolution, screened and withdrawn cases are included in this category. In 2024-2025, 276 of 319 *FOIPOP*, *MGA* and *PHIA* reviews were resolved informally.

¹⁴ Between April 1, 2024 and March 31, 2025 the Commissioner issued 14 review reports that related to 26 files. In total, the Commissioner made 20 recommendations of which 6 were accepted and 14 were rejected.

Annual Report Statistics

All Files Opened and Closed Under

*Freedom of Information and Protection of Privacy Act, Privacy Review Officer Act,
Part XX of the Municipal Government Act (MGA), Personal Health Information Act*

	FOIPOP, PRO & MGA OPENED	PHIA OPENED	TOTAL OPENED	FOIPOP, PRO & MGA CLOSED	PHIA CLOSED	TOTAL CLOSED
Access and Correction Requests for Review						
Reviews	430	5	435	314	5	319
Privacy Complaints						
Privacy complaints received	4	16	20	101	25	126
Commissioner own-motion	0	1	1	4	1	5
Files Initiated by Public Bodies						
Breach notifications	4	8	12	4	8	12
Applications to disregard	1	0	1	0	0	0
Privacy impact assessments	0	0	0	0	0	0
Access and privacy consultations	61	20	81	63	20	83
Time extension requests	145	0	145	145	0	145
Late transfer requests	1	0	1	1	0	1
Disclosures without consent to researcher		164	164		164	164
Breaches with no potential for harm or embarrassment		45	45		45	45
Prescribed entity's information practices		0	0		0	0
Outreach and Education						
Inquiries	679	313	992	671	313	984
Media requests	29	6	35	29	6	35
Speaking engagements	23	7	30	23	7	30
Public education	1	0	1	1	0	1
Staff training and conferences	25	0	25	25	0	25
Tools made available	3	1	4	3	1	4
Committees	9	1	10	9	1	10
Projects	4	0	4	4	0	4
Other	5	1	6	5	1	6
Total	1424	588	2012	1402	597	1999

Budget History

Budget History (for <i>FOIPOP</i> , <i>MGA</i> and <i>PRO</i>)			
Category	Forecast for 2025-2026	Actual for 2024-2025	Actual for 2023-2024
Salaries and Benefits	1,162,000	1,349,858	1,145,372
Travel	9,000	14,345	16,135
Professional/Special Services	6,000	3,019	3
Supplies and Services	35,000	18,657	20,665
Other	115,000	132,411	153,609
Adjustments ¹⁵	0	(304,056)	(231,163)
Total Budget Spent	1,327,000	1,518,290	1,335,784
Total Budget Given	1,327,000	1,281,000	1,191,000
% of Budget Spent	100%	119%	112%

There is no budget history to report for *PHIA* as no budget was given. All additional work has been absorbed and reported within the existing budget.



¹⁵ Adjustments is the transfer of funds received from three departments to cover the three two-year term positions that were loaned to the OIPC. Because these were loaned, the costs associated with their salaries and benefits were not allotted to our budget; they were paid by the departments.

Appendix 1
Annual Report Under Section 18 of the
Public Interest Disclosure of Wrongdoing Act

The following is a summary of disclosures received by the Office of the Information and Privacy Commissioner for Nova Scotia:

Information Required Under Section 18 of the Act	Fiscal Year 2024-2025
The number of disclosures received	0
The number of findings of wrongdoing	N/A
Details of wrongdoing	N/A
Recommendations and actions taken on each wrongdoing	N/A



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