



Office of the Information & Privacy Commissioner

Nova Scotia

David Nurse
Information & Privacy Commissioner for Nova Scotia
5657 Spring Garden Road, Suite 502
Post Office Box 181
Halifax, NS B3J 2M4

Email: oipecns@novascotia.ca
Tel: (902) 424-4684
Fax: (902) 424-8303
Website: <https://oipc.novascotia.ca>

The Honourable Becky Druhan
Attorney General and Minister of Justice
Department of Justice
1690 Hollis Street, Halifax, NS B3J 2L6
Email: JUSTMIN@novascotia.ca

//via email//

URGENT – re: Proposed Improvements to FOIPOP - Bill 150

First, I would like to congratulate you and your government colleagues on introducing Bill 150. As I acknowledged in my enclosed public statement, there are numerous positive changes set out in the bill, including greater independence for the Information and Privacy Commissioner, and expanded privacy oversight for municipal governments. These changes improve Nova Scotia's access and privacy laws.

At the same time, there remain a few areas where I believe the bill could and should be improved. Specifically, the purpose section of the current *FOIPOP* Act should be retained. I also encourage you and your colleagues to use this opportunity to set firm legal timelines for my office to complete reviews under the Act. This would involve amending the bill to provide that the Commissioner has 90 days to complete a review. This would be similar to the Newfoundland and Labrador legislation.

Finally, I would ask you to consider a provision setting out the Commissioner's control of their own procedures. This is a vital aspect of independence. Saskatchewan's legislation provides a good precedent; it states that the Commissioner may "(d) determine the procedure to be followed in the exercise of the powers or performance of any duties of the commissioner pursuant to this Act;..."

Along with this addition, I would recommend deleting the regulation-making powers in section 143 (1)(w), (aa) and (ad). My concern with the above-noted sections is that they provide the Executive Council with the authority to set out procedures and forms for reviews, as well as to determine the contents of the annual report to be submitted by the Commissioner. As noted above, to ensure true independence these matters are best left to the Commissioner to determine. The regulation-making powers are otherwise comprehensive and appropriate.

I urge you to consider the above amendments to Bill 150.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Nurse', is placed over a light gray rectangular background.

David Nurse
Information and Privacy Commissioner for Nova Scotia

Enclosure

c: Jennifer Glennie, Deputy Minister of Justice