



Annual Report 2025-2026



OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER NOVA SCOTIA



Office of the Information
& Privacy Commissioner
Nova Scotia

September 29, 2026

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, 2025 through to March 31, 2026.

Respectfully submitted,

David Nurse
*Information and Privacy Commissioner
for Nova Scotia*



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Commissioner's Message



Thank you to the OIPC's dedicated staff

The OIPC's dedicated staff field hundreds of inquiries per year from members of the public and staff at public sector agencies and work diligently each day to resolve the access reviews and privacy complaints filed with our office. Most of this work is done quietly, behind the scenes, and I want to begin this annual report by recognizing all OIPC staff for their ongoing work on behalf of Nova Scotians. **Thank you, Darrin W., Jason M., Joshua S., Julie Y., Krista M., Mary K., Meghan W., Michelle C., Sara H., and Sarah G.**

Most matters resolved through good faith negotiations

In rare instances, the OIPC's oversight function brings us into conflict with an individual, professional or a government department; for example, if a department fails to provide records to our office, we may need to apply to court for a production order. That is the kind of case that grabs headlines and gets shared on social media. However, a significant majority of reviews and complaints filed with our office are resolved through negotiations between the parties and OIPC staff. This work also happens mostly behind the scenes - in one-on-one discussions between OIPC investigators and committed public servants who are willing to engage in good faith negotiations guided by the principles of our access and privacy laws. A sincere thank-you to all staff working in access and privacy across the province for collaborating with us in 2025-2026. In 2025-2026, 80% of reviews were resolved informally (see Goal 1.4, page 7), a strong indication that good faith negotiation remains the primary way this office resolves matters.

Year 2025-2026

I would like to highlight three key achievements of the OIPC in 2025-2026.

Backlog

The OIPC continues to make meaningful progress on its backlog of reviews. We continue to reduce the amount of time applicants wait for their reviews to be heard through both prioritizing some types of reviews and by the overall volume of files we are assigning. By the end of 2025-2026, the OIPC was assigning files from 2023, meaning applicants now wait three years for

their review to be heard. This reduces the duration by one year over the progress made in 2024-2025.

In 2025-2026 we had record breaking file closures for the second year in a row. We closed 471 reviews (access, correction, and privacy) in contrast to 388 reviews we received. This exceeds the record set in 2024-2025 and is more than double the closures of any year prior to 2024-2025.

Applications to Disregard

In the year ending March 31, 2026, the OIPC issued numerous decisions on requests from public bodies to disregard access to information requests. This is a new power in Nova Scotia (as of spring 2025), and in our decisions we have attempted to provide practical guidance to public bodies on when we will, and will not, approve applications to disregard. While frivolous and vexatious applications (and the like) are an issue across Canada, an individual's access rights should only be limited in rare circumstances. We have included several case summaries on pages 12-14.

Organizational changes

We have had several organizational changes at the OIPC in 2025-2026. The team has been reorganized to create a small senior management group including the Commissioner, Director of Investigations, Senior Investigator, and Manager, Operations and Data Management. We also consolidated our offices, giving up a lease on a small satellite office and achieving savings in our operational budget. Working with the Office of Service Excellence, we completed a review and the resulting initiatives will be implemented in the year ahead.

The year ahead - new FOIPOP Act coming into force April 1, 2027

A new *Freedom of Information and Protection of Privacy Act* will come into force on April 1, 2027.

Effective April 1, 2027, the OIPC will be an Office of the Legislature; this means the office will have more functional independence from the executive branch of government. This is a positive change, and one past Commissioners recommended on several occasions. The new *FOIPOP Act* will require our office to update most of our public-facing documents and forms, our website, and our internal procedures. Thankfully, this work is already underway, and we will be ready to hit the ground running in April 2027.

The year ahead - recommending improvements to the new FOIPOP Act

The new *FOIPOP Act* includes many positive changes to our access and privacy laws. This includes making the OIPC an Office of the Legislature, adding new privacy requirements, and extending the OIPC's role in privacy oversight to municipal bodies. However, the new law also fails to address several long-standing concerns. This includes the absence of mandatory timelines for the OIPC to complete its reviews, a recommendation raised by past Commissioners that remains unaddressed.

Furthermore, we have new concerns with changes made to the law. This includes changes to Executive Council/Cabinet records, which requires these records be withheld in full. This is a step backward, and the OIPC will continue to raise our concerns with government. You can see all our concerns with the new *FOIPOP Act* in the August 26, 2026 letter to the Honourable Scott Armstrong and Jill Balser below.



David Nurse
Information and Privacy Commissioner
for Nova Scotia

Service Plan Measures



1.1 & 1.2

GOAL ACHIEVED

Year-over-year **increase in number of reviews resolved**; more reviews closed than received.



1.4

GOAL ACHIEVED

80% of reviews resolved informally.



3.1 & 3.2

86 individuals through **49 OIPC presentations**.

The office exceeded its goal on the number of presentations; fewer individuals were reached.



2.

GOAL ACHIEVED

Increased number of PIA consultations.



Service Plan 2026-2027

Introduction

This Service Plan sets out our goals for the next year and reports on our performance over the past two years.¹

Vision

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

About the OIPC – Our 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 mandate of the OIPC is to provide impartial oversight of over 400 public bodies² and more than 26,000 health custodians by:

- ▶ Independently reviewing decisions and practices of public bodies and health custodians concerning access to information and protection of privacy;
- ▶ Commenting on the implications for access to information or protection of privacy of proposed legislation, programs, policies and technologies;
- ▶ Educating and informing the public about access and privacy rights;
- ▶ Promoting research into access and privacy issues.

2026-2027 Goals and Performance Measures

We have four strategic goals. We will:

1. Contribute to an Open and Accountable Public Sector;
2. Enhance Protection of Privacy by Public Bodies and Health Custodians;
3. Increase Public Awareness of Access and Privacy Rights; and
4. Modernize OIPC Operations.

To achieve each of these goals, we have identified four performance measures, which are described on the following pages.

¹ This plan serves as our Statement of Mandate and our Accountability Report.

² In this plan, 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

Contribute to An Open and Accountable Public Sector

The purpose of access to information legislation is to make public bodies fully accountable to the public. The OIPC contributes to an open and accountable public sector by providing transparent oversight of public body decisions. Whether a review filed with our office is resolved by informal resolution, or by issuing a review report with recommendations, the goals of our access to information laws are advanced, and the access rights of citizens are upheld.

To make our work timelier, and more relevant, we must continue to reduce our existing inventory of cases. Eliminating our backlog and immediately working on reviews as soon as they are filed with our office will help restore public trust in the access to information system more broadly.

In addition to reviews, the OIPC responded to 865 inquiries in 2025-2026, telephone calls, letters and emails requesting 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.

We also opened 169 and closed 175 files initiated by public bodies and custodians, spanning breach notifications, applications to disregard, and time extension requests, and several other categories.

We implemented two new performance measures in 2025-2026 that are directly targeted at reducing our inventory of cases. We now measure and report on:

- The total number of requests for review resolved each year; and
- The number of requests for reviews received, and the number closed, each year.

Outcomes

We resolved 441 access and correction reviews in 2025-2026, up from 319 in the previous year. This is about a 38% increase, and we aim to increase the number of reviews resolved by 10% next year. Notably, we continue to close reviews at a strong pace, with more requests for review being closed than received in this fiscal year. This is a meaningful step toward reducing our backlog of cases.

Our informal resolution rate was 80%, meeting our goal. Our strategy continues to rely on informal resolutions and to make greater use of the Commissioner's authority to terminate reviews when appropriate. We did not yet report on case management meetings with high-volume public bodies as this measure begins in 2026-2027.

Performance Measures

We are adding one new performance measure for 2026-2027: to conduct regular case management meetings with high-volume public bodies. We will meet with public bodies who have the highest volumes of reviews at our office. The purpose of the case management meetings is to identify opportunities for early resolution, grouping of common issues and cases, and addressing other issues of mutual concern.



► Performance Measure	► 2024-25		► 2025-26		► 2026-27
	Access & Correction	Access & Correction	Privacy	Access, Correction & Privacy	
1.1 Increase the number of reviews resolved ³	319	441 (38% increase)	30		Goal: 10% increase
1.2 Close more requests for review than are received ⁴	n/a	355 opened 441 closed	33 opened 30 closed		Goal: Close more requests for review than are received
1.3 Conduct regular case management meetings with high volume public bodies	n/a	n/a	n/a		Goal: At least 2 meetings with 5 public bodies
1.4 Resolve reviews informally ⁵	87%	375/471 = 80%			Goal: 80%

³ For 2024-25 and 2025-26 this measure included access and correction reviews. For 2026-27 this measure will include access, correction and privacy reviews.

⁴ For 2025-26 this measure included access and correction reviews. For 2026-27 this measure will include access, correction and privacy reviews.

⁵ Mediation, informal resolution, screened and withdrawn cases are included.

GOAL 2

Enhance Protection of Privacy by Public Bodies and Health Custodians

Public bodies and health custodians can demonstrate their respect for, and protect, the personal privacy of Nova Scotians by adopting the principles of privacy by design. A central principle of privacy by design is being proactive, rather than reactive. Public bodies and health custodians must anticipate, identify and prevent privacy breaches before they occur.

Implementing Privacy Impact Assessments (PIAs) is a way that organizations can demonstrate their commitment to proactively managing privacy-related risks.⁶ A PIA is an essential tool for ensuring compliance with the privacy requirements set out in Nova Scotia's access and privacy laws and is a building block of a good privacy management program.

In new legislation in fall 2025, the Province of Nova Scotia provided that, effective April 1, 2027, a mandatory Privacy Assessment (PA) must be conducted when a program, system or activity involving the collection, use or disclosure of personal information is implemented or substantially changed. When this legislation comes into force, we expect consultations on PIAs and PAs to increase.

Outcomes

In 2025-2026, we began our planned work of raising awareness of the importance of PIAs, and proactively offering our consultation services to review PIAs completed by public bodies. **This year we met our goal of two consultations, and we will continue to reach out on significant PIAs and new programs involving sensitive information with the goal of reaching four to six consultations next year.**

As the Province's One Patient One Record (OPOR) began its roll-out in 2026, we met with leadership at Nova Scotia Health (NSH) to discuss how effective privacy protection is vital to the success of initiatives that require data sharing like OPOR. We recommended that NSH (and other partners) consider publishing portions of their privacy impact assessment (PIA) – understanding that network architecture, etc. must be kept confidential. Our primary interest is in seeing the legal authority for the collection, use and disclosure of personal health information clearly spelled out in the PIA for Nova Scotians. The portion of the PIA that covers these issues could be disclosed, and in our view, would enhance public confidence in the project.

We also corresponded with the Department of Health and Wellness following the introduction of a new web-based portal through which Nova Scotians can provide consent to a number of medical research opportunities. We noted the respect for privacy in the clear wording of the consent form and the explicit commitment to the protection and lawful use of participants' information. We also encouraged the Department to proactively disclose appropriate portions of its PIA performed as part of this new program. Nova Scotians' trust in this new medical research program will be enhanced if non-confidential

⁶ *Privacy by Design* (January 2009), online: Information & Privacy Commissioner of Ontario.

portions of the PIA are made public. Sharing significant sections (for example, about authority to collect, use and disclosure, retention and disposal

practices, and non-confidential information about safeguards) will increase confidence and participation in this new program.

Performance Measures

Measure adjusted in 2026-2027 to set a range of significant PIA consultations and consultations on significant program changes we are targeting.



► Performance Measure	► 2024-25	► 2025-26	► 2026-27
2 Increase significant PIA consultations, or consultations on significant new programs.	0	Goal: 2 consultations Outcome: 2 consultations	Goal: 4-6

GOAL 3

Increase Public Awareness of Access and Privacy Rights

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. For 2025-2026, we 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 - providing more timely, relevant decisions on reviews filed with our office.

Outcomes

We reached 86 individuals through 49 OIPC presentations in 2025-2026. While the office exceeded its goal on the number of presentations, fewer individuals were reached. This reflects both a change in the way our outreach is defined and a focus on our key strategic priority, reducing our inventory of longstanding review cases. Given this tradeoff, we are further reducing our outreach goals for 2026-2027.



Performance Measures

We will continue to look for opportunities to engage directly with citizens, media, and provincial, regional, and national organizations concerned with access and privacy matters.

In terms of our published tools/guides, our priority this year will be to update our materials to include accurate information on the new *FOIPOP Act* and new Regulations, including several substantive changes to our access and privacy laws.

► Performance Measure	► 2024-25	► 2025-26	► 2026-27
3.1 Individuals who attend OIPC presentations in Nova Scotia.	Goal: 700 Outcome: 368	Goal: 250 Outcome: 86 ⁷	Goal: 150
3.2 OIPC presentations, media articles and tools.	Goal: 40 Outcome: 57	Goal: 40 Outcome: 49 ⁸	Goal: 15

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

⁸Presentations include media requests, media outreach, meetings, speeches, training given, tool creation, not necessarily in NS.

GOAL 4

Modernize OIPC Operations

Our final goal was previously to implement “efficient and effective OIPC operations.” This goal has been changed to “modernize OIPC operations” and new goals for 2026-2027 are set out below.

Performance Measures

The first measure reflects a proactive decision to modernize our records management system. The second goal is required due to the enactment of the new *FOIPOP Act*; we must align our policies, procedures, and all public-facing documents to reflect the new law, which will be in force April 1, 2027.



► Performance Measure

► 2026-27

4.1 Fully implement digital-first records management system

Goal: Complete implementation

4.2 Adapt forms, guides and website to align with new *FOIPOP Act*

Goal: Update 50% of OIPC forms, guides, and website content

Case Summaries

Eighteen Decisions on Applications to Disregard Issued

In spring 2025, Nova Scotia’s access and privacy laws were amended to allow public bodies to disregard access requests with the approval of the Information and Privacy Commissioner. Access requests may be disregarded for several reasons, including if the head of the public body is of the opinion that a request is frivolous, vexatious or trivial, or is unduly repetitive and systematic and amounts to an abuse of the right of access.

During the fiscal year 2025-2026, the Commissioner issued 18 decisions approving or rejecting a public body’s application to disregard one or more access requests. In these diverse decisions, the Commissioner considered requests from large public bodies and small municipalities and strove to provide practical guidance to decision-makers on when an application to disregard is – and is not – likely to be approved. In all cases, public bodies (and the Commissioner) must balance the applicant’s right of access against the harm that is done by access requests that are an abuse of that right.

In several decisions, the Commissioner noted that “an application to disregard is a serious matter as it could

have the effect of removing an applicant’s express right to seek access to information in a particular case, to have their personal information corrected, or to have a privacy complaint investigated. Other jurisdictions in Canada have noted that the authority to disregard an access request is an “extraordinary remedy” that should only be granted after careful consideration and only in exceptional cases.” (see [WR25-01](#) for example.)

The following two case summaries give a sense of the type of issues raised in these diverse cases. They also give examples of the type of remedies that the Commissioner has granted.

WR25-04 – Office of the Premier – Application to Disregard was Approved

The Office of the Premier asked the Commissioner to approve disregarding two access requests, arguing they were frivolous, vexatious and an abuse of process given their volume and repetition. The Commissioner agreed, finding the requests unduly repetitive and systematic. He approved the public body's request to restrict the applicant's ability to file further requests, but scaled back the length of the restriction sought: a 6-month ban, followed by a 12-month period limiting the applicant to one open request at a time.

The Commissioner noted that when a public body's own record-processing becomes the primary subject of an applicant's ongoing requests, the access system is no longer serving its purpose.

LESSON: A pattern of escalating, self-referential requests across public bodies can support a finding of abuse of process, but any restriction on future access rights should be proportionate, not open-ended.

WR25-16 – Town of Berwick – Application to Disregard was Not Approved

The Town of Berwick sought approval to disregard a single access request from an applicant who had been unsuccessful in a hiring competition, arguing the request was vexatious and made in bad faith. The Commissioner denied the application: there was no pattern of harassment and no bad faith, and a first-time applicant seeking information about a hiring decision that affected them financially is a legitimate use of the access system, even where the request itself was poorly scoped.

The Commissioner did find parts of the request unreasonable. The request asked the Town to create new records and account for staff members' prior employment. The Commissioner recommended the Town engage directly with the applicant to explain what routine disclosure could offer.

LESSON: An applicant's unfamiliarity with the scope of access legislation is not evidence of bad faith. The duty to assist, not the disregard power, is usually the right first response.

Two Review Reports of Note

The Commissioner issued 14 Review Reports in the fiscal year 2025-2026; the following two cases were of particular importance as they dealt with recurring issues. The first dealt with a department's failure to sever video surveillance records. The second dealt with an unreasonable delay by the head of the public body in reviewing and signing off on the decision letter on an access request.

Review Report 25-09 – Department of Finance and Treasury Board

An applicant requested records related to Nova Scotia's wine policy. The Department completed its review of the records in November 2024 but did not issue a final decision for nine months, resulting in a deemed refusal. The Commissioner found the delay indefensible: once records have been identified and reviewed, the head of the public body must make a timely decision, regardless of internal sign-off procedures. Because the file was already in deemed refusal, the Commissioner had no authority to grant a further extension and could only recommend immediate release.

LESSON: Complexity in the subject matter does not excuse delay once processing the records is completed. A pending sign-off is still a delay experienced by the applicant.

Review Report 25-10 – Department of Justice

An applicant requested video surveillance footage from an incident at a provincial court building. The Department of Justice withheld the footage in full, arguing none of it could reasonably be severed. The Commissioner disagreed: the duty to sever applies to video the same way it applies to paper records, frame-by-frame, not as an all-or-nothing exercise. He noted that modern tools, blurring, still images, or releasing one camera angle where several exist, can eliminate or reduce the harms contemplated in s. 15/475 without requiring full withholding.

"Video surveillance is not new technology," the Commissioner wrote. "It is reasonable to expect a public body collecting personal information in the form of a video record would also have a process by which to sever that record."

LESSON: A blanket refusal to sever video footage does not meet a public body's statutory duty. Public bodies using video surveillance need a severing process for it, the same as they would for paper.

August 26, 2026

The Honourable Scott Armstrong
Attorney General and Minister of Justice
Department of Justice
1690 Hollis Street
P.O. Box 7, Halifax, NS B3J 2L6

and

The Honourable Jill Balser
Minister of Service Nova Scotia Service Nova Scotia
1505 Barrington Street
Maritime Centre, 7th Floor
PO Box 10, Station Central
Halifax, NS B3J 2L7

via email

Dear Ministers Armstrong and Balser,

RE: Recommendations of the Information and Privacy Commissioner on the new *FOIPOP Act*

On October 3, 2025, the Government of Nova Scotia passed the new, consolidated *Freedom of Information and Protection of Privacy Act* (the "*FOIPOP Act*"). The *FOIPOP Act* comes into force on April 1, 2027.

Over the past several months, staff with the Office of the Information and Privacy Commissioner for Nova Scotia ("OIPC") have been in regular contact with senior staff at Information, Access and Privacy ("IAP") Services regarding the implementation of the *FOIPOP Act*. We appreciated the periodic updates and the opportunity to comment during the development of the *FOIPOP Act*, its regulations, and its forms. We look forward to working with you, and your senior teams, in the year ahead.

While the new *FOIPOP Act* will improve our access and privacy laws, the purpose of this letter is to share several of our concerns regarding the new law, in hopes that amendments might be made during the upcoming fall or spring sitting of the legislature.



1. POLICY ISSUES

a. Mandatory Exemption for all Executive Council Records

The current *FOIPOP Act* provides adequate protection for cabinet-level records, by providing the head of the public body the discretion to withhold information that would “reveal the substance of deliberations” of the Executive Council. Under the existing law, only background information is routinely disclosed, and only when the decision of the Executive Council has been made public or implemented, or five years or more have passed since the matter was considered. Other records become available after 10 years.

While there is limited transparency around Executive Council records in the current *FOIPOP Act*, there is still some. However, in implementing s. 32 of the *FOIPOP Act*, the Government of Nova Scotia elected for less transparency around cabinet records, and a longer waiting period for the public to have meaningful access to these records. The exemption will also become mandatory, meaning the head of the public body must refuse all access to such records.

Executive Council record now defined term with a wide scope

Pursuant to s. 32(1) of the *FOIPOP Act*, an “Executive Council record” is now a defined term. The term is defined broadly and includes “any schedules and any supplementary or supporting documents submitted with the report and recommendation, memorandum or presentation.” Coupled with the new mandatory nature of the exemption, this definition will prevent all access to a broad class of records.

Fifteen years before access

Section 32(3) of the *FOIPOP Act* will also prevent any access to Executive Council records, including background information, until the record is 15 years old.

Change was not needed

In our view, there was no valid reason for such dramatic changes to the law. Nova Scotians were not being granted unreasonable access to vital cabinet documents under the existing law. The current iteration of the law, (s. 13), effectively protects information that would “reveal the substance of deliberations” of Executive Council, and is aligned with the law in numerous other jurisdictions, including British Columbia and Newfoundland and Labrador. We strongly encourage the Government of Nova Scotia to consider a return to the language of the current *FOIPOP Act*.

b. No Timelines for Reviews

A request for review to the Commissioner is intended to be a no-cost, speedy alternative to an application to court. But due to a rise of requests, complexities of reviews and lack of resources, the original intent of our access and privacy legislation continues to not be realized.

Like many Past Commissioners, we suggest mandatory timelines be set in the *FOIPOP Act*, requiring the OIPC to complete a review within a fixed time period.



A time limit on the Commissioner to resolve cases will encourage public bodies to properly resource their access and privacy groups so that they can actively participate in the resolution process. It will also ensure that all matters brought to the OIPC are addressed in a timely manner. While our office continues to make significant strides in our current backlog, any wait for a decision is not acceptable.

2. ISSUES IMPACTING OUR INVESTIGATIONS

a. Compelling and Inspecting Legal Privilege Records

Pursuant to s. 86(2) and s. 112(2) of the *FOIPOP Act*, the OIPC will not be able to compel or inspect records that are subject to legal privilege for access requests and privacy reviews. We would be forced to take the public body's word that they are acting in good faith and are truly withholding records subject to legal privilege.

This undermines the review process and weakens a citizen's right of access. Without being able to understand and see what is being withheld, the investigation of these records would not be effective.

Because of this, we suggest that requests involving legal privilege only be filed and reviewed by the Courts. We do not take this suggestion lightly as courts are more costly and have been facing significant backlogs themselves, which limits those who can have access to a review. But the Courts will be the only ones who can truly review the records and determine whether legal privilege applies.

b. Changes to "Own Motion" Investigations

Pursuant to s. 103 of the *FOIPOP Act*, the Commissioner, in the absence of a privacy review request, may initiate a privacy review if they have reasonable grounds to believe that a person has contravened or will contravene a privacy provision in the *FOIPOP Act*.

The wording "in the absence of a privacy review request" would limit the OIPC when large-scale privacy related breaches occur and reviews are filed before we have a chance to initiate an "own motion" investigation. Rather than having one investigation, the OIPC, public bodies and municipalities would need to manage and address multiple (sometimes hundreds) of privacy review requests filed for the same privacy breach. This would cause unnecessary work and cause further delays in completing investigations.

Given the volatile privacy landscape and the increase of large-scale privacy related incidents, we would suggest that the wording "in the absence of a privacy review request" be removed from s. 103 of the *FOIPOP Act* to allow some flexibility in managing investigations.



3. TECHNICAL ISSUES

a. Options for Compelling Records

Pursuant to s. 86(1)(a) of the *FOIPOP Act*, the OIPC will continue to have the ability to require the production of any records that are in the custody or under the control of the public body. But the public body may now comply with said requirement by providing the Commissioner with an opportunity to examine the records at the offices of the public body pursuant to s. 86(5).

As it is currently written, it is at the discretion of the public body as to how they can comply with s. 86(1)(a) of the *FOIPOP Act*. Should the public body have discretion to decide how we can review records, it would prove challenging to our operations. For one review, we would be required to travel and review large volumes of records for days. We simply do not have the resources to do this.

We would ask that the opportunity to examine records at a public body's office be at the discretion of the OIPC, rather than the public body. Alternatively, we suggest that the subsection be adjusted so that like s. 44(4) of British Columbia's Freedom of Information and Protection of Privacy Act, the opportunity to examine records is available if it is not practicable to make a copy of the record.

b. Third Party Review Notice

Pursuant to s. 51(3) of the *FOIPOP Act*, where the notice from a public body is given to a third party advising them that access to records will be given to an applicant, the third party will have 20 business days after notice is given to file an access review request.

Both the OIPC and IAP Services have faced complications when a third-party access review request is filed at end of the 20th day, as applicants are also entitled to the records before the end of the 20th day. As a result, sending an applicant the records before a third-party files their access review request is more than likely to occur.

We would recommend that s. 51(3) of the *FOIPOP Act* be amended so that access is given to the applicant within 21 business days. The extra day will help account for the 20-business day notice to the third party. In addition, we would recommend that s. 80 of the *FOIPOP Act* have an additional subsection that states that when a third-party files an access review request under section 80(3) of the *FOIPOP Act*, the third party will also notify the public body who issued the decision. This will ensure that public bodies are alerted more promptly.

c. The Need for Additional Review Filing Requirements

While the prescribed forms in the *FOIPOP Act* remain relatively the same, we believe the forms can be improved to ensure that all the information needed to complete our intake process is obtained in a timely manner. As such, we suggest that the request for review forms ask for the following information and documents: the name of the public body, the public body file number, the text of the access request, correction request or privacy complaint filed with the public body, the decision issued by the public body, contact information, the reason(s) for the request or review, and the remedy sought.



d. Information Necessary for Medical Treatment

Pursuant to s. 55(b) of the *FOIPOP Act*, a public body can collect information from someone other than the individual the information is about if it is necessary for the medical treatment of that individual and is not possible to collect this information directly from that individual or obtain authority through another method of collection.

As this pertains to seeking information from someone if it is necessary for medical treatment, we recommend an additional subsection be included, with the Personal Health Information Act referenced to ensure medical information is not collected pursuant to s. 55(b).

e. New *FOIPOP Act* Inconsistent on Records of Hospitals and Universities

Pursuant to s. 34(1) of the *FOIPOP Act*, the head of a local public body that is not a municipality may refuse to disclose to an applicant information that would reveal a draft of a resolution, bylaw, private bill or other legal instrument by which the local public body acts, and information that would reveal the substance of deliberations in a meeting held in private.

While this is a discretionary exemption, it is written to be more restrictive than its governmental (s. 32) and municipal (s. 33) counterparts. Section 34 of the *FOIPOP Act* does not have any circumstances under which background information may be released. We would suggest that a new subsection be added so that background information may be released, as seen in sections 32 and 33.

f. Readability

It is important for legislation to be fundamentally sound, well-organized, coherent, and clear. We believe that improvements can be made within the *FOIPOP Act* to enhance its readability.

First, there is a lack of subtitles which makes it difficult for a reader to find what they are looking for. We recommend adding subtitles.

Second, there is a lack of consistency with some provisions. We recommend standardized formatting and referencing to help with the uniformity of the *FOIPOP Act*.

4. CONCLUSION

We hope that the Government of Nova Scotia will consider our concerns, and meaningfully engage with us, before the *FOIPOP Act* comes into force on April 1, 2027.

Yours truly,

A handwritten signature in black ink, appearing to read "David Nurse".

David Nurse

Information and Privacy Commissioner for Nova Scotia

Budget

Category	Forecast 2026-2027	Actual 2025-2026	Actual 2024-2025
Salaries and Benefits	1,516,000	1,545,104	1,349,858
Travel	9,000	8,397	14,345
Professional/Special Services	7,000	20,133	3,019
Supplies and Services	24,000	23,476	18,657
Other	126,000	100,455	132,411
Adjustments	(230,000)	(371,963)	(304,056)
Total Budget Spent	1,682,000	1,697,566	1,518,290
Total Budget Given	1,452,000	1,327,000	1,281,000
% of Budget Spent	116%	128%	119%

▶ 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:

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

Glossary

▶	OIPC: Office of the Information and Privacy Commissioner for Nova Scotia
▶	IPC: Information and Privacy Commissioner
▶	IAP: 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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<https://oipc.novascotia.ca>



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