

NEWS RELEASE

For immediate release

September 1, 2026

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

Today, September 1, the Information and Privacy Commissioner for Nova Scotia, David Nurse, has released an open letter to the Ministers of Justice and Service Nova Scotia regarding proposed improvements to the new *Freedom of Information and Protection of Privacy Act*. The new *FOIPOP Act* was passed in fall 2025 but will not come into force until April 1, 2027.

As noted in his initial statement on September 26, 2025, the Commissioner acknowledges the many positive changes to our law in the new Act. For example, the Act extends the OIPC's privacy oversight to municipalities and also makes the OIPC an office of the legislature.

Before the fall sitting of the legislature, the Commissioner recommends a number of amendments for the Government's consideration. Many of the amendments are of a technical nature, while others relate to significant policy concerns.

Among the suggested amendments, the Commissioner recommends that the law include a statutory timeline for the OIPC to complete a review, ensuring that citizens get timely, relevant decisions on access reviews. Newfoundland and Labrador has such a system, which makes it effectively impossible to have a backlog of cases.

The Commissioner also recommends that the Government reconsider the recent amendments making Executive Council – i.e. cabinet – records less accessible to the public. The current changes require cabinet records, including background information, to be withheld for 15 years. The old law (which will be in force until April 1, 2027) already strikes an appropriate balance by granting public access to certain background information while protecting the “substance of deliberations of” the Executive Council. In our view, there was no valid reason for such dramatic changes to the law.

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.

- 30 -

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