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March 25, 2021

The Honourable Iain Rankin  
Premier of Nova Scotia  
Email: [premier@novascotia.ca](mailto:premier@novascotia.ca)

The Honourable Randy Delorey  
Attorney General and Minister of Justice  
Email: [JUSTMIN@novascotia.ca](mailto:JUSTMIN@novascotia.ca)

The Honourable Brendan Maguire  
Minister of Municipal Affairs  
Email: [dmamin@novascotia.ca](mailto:dmamin@novascotia.ca)

//via email//

**Re: Introduction and essential modernization of the *Freedom of Information and Protection of Privacy Act*, the *Municipal Government Act* and the *Privacy Review Officer Act***

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Dear Premier Rankin and Ministers Delorey and Maguire,

Having just completed my first anniversary as Nova Scotia's Information and Privacy Commissioner, and recognizing the recent change in leadership and portfolios, I am writing to both introduce myself and to renew my office's plea for legislative change.

Privacy and access to information have been recognized by the Supreme Court of Canada as quasi-constitutional rights that are fundamental to individual self-determination, democracy and good government. Initially, Nova Scotia was a leader in recognizing these rights, being the first province in Canada to enact a *Freedom of Information Act* in 1977. That Act was replaced in 1993 by the considerably improved *Freedom of Information and Protection of Privacy Act (FOIPOP)*. Subsequently, in 1999, a new *Municipal Government Act (MGA)* was passed that largely mimicked the provisions of *FOIPOP* and applied them to municipalities. Regrettably, since that time, and despite vast changes to the way we process information through the vehicle of the internet, substantive amendments have not been made to these pieces of legislation.

In 2017, my predecessor issued a special report entitled [Accountability for the Digital Age: Modernizing Nova Scotia's Access and Privacy Laws](#). This report highlighted the concerns with

these laws in terms of adequately protecting the rights of citizens and proposed legislative amendments to address them. The report was sent to your predecessors. The response received was an agreement that there was no argument that it was time the legislation be updated, with a caveat that government required a chance to review [Investigation Report IR19-01](#) issued in January 2019 prior to putting forth any legislative changes (correspondence enclosed). We have heard nothing further on the progress of government's intentions to modernize the laws.

Subsequently, in 2019, all federal, provincial and territorial Information and Privacy Commissioners issued a joint statement calling on their respective governments to modernize legislation, which can be found here: [FPT Resolution](#). The Commissioners noted that there is work required to enhance and establish consistent modernization across the country and suggested that the legislation be updated to reflect a number of principles.

I wholeheartedly agree with my predecessor and colleagues that it is long past time that Nova Scotia's access to information and privacy laws be updated. I ask that you please respond to this letter and indicate when the government intends to modernize the *Freedom of Information and Protection of Privacy Act*, the *Municipal Government Act* and the *Privacy Review Officer Act*. I will be posting a copy of this letter and any response received from you on the Office of the Information and Privacy Commissioner website (<https://oipc.novascotia.ca>) as a means of keeping the public informed about the state of our access to information and privacy laws. Additionally, this issue may be discussed in upcoming OIPC annual reports.

Yours truly,



Tricia Ralph  
Information and Privacy Commissioner for Nova Scotia

- c. Justin Huston, Deputy Minister, Department of Municipal Affairs  
Candace Thomas, Deputy Minister, Department of Justice  
Laura Lee Langley, Deputy Minister, Office of the Premier

Attachments