



**Nova Scotia Freedom of Information
and Protection of Privacy
Report of Review Officer**

SPECIAL REVIEW REPORT

LIFE STORY: THE RIGHT OF FOSTER CHILDREN TO INFORMATION

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““Who are my parents?” “What did I do wrong?” “What happened to me as a child?” The Nova Scotia government is denying information that would answer these key life questions for former foster children, ignoring custom and the law,” said Dulcie McCallum Nova Scotia’s Freedom of Information and Protection of Privacy Review Officer in a report released today. “Children who grew up in foster care in Nova Scotia deserve the same right to their life story as all other children.”

The report challenges the Department of Community Services’ practice of denying former foster children access to information about details regarding when they were apprehended and while they were in foster care. While children who grow up with their biological parents have ready access to their family history, and the *Adoption Information Act* provides a path for children who were adopted to pursue this information, foster children are denied this information by an incorrect use of the *Freedom of Information and Protection of Privacy Act* [“*FOIPOP Act*”].

“Foster children are being treated as if they have no past – essentially a person without any life story prior to adulthood,” McCallum says in the report.

Previously, foster children received access to their child-in-care records following Community Services’ policy manual – a right to information preserved under the law. But Community Services has moved away from this long-standing practice by using the *FOIPOP Act*. McCallum notes that this approach is the exact opposite of how the *FOIPOP Act* should be used.

Because the *FOIPOP Act* expects government departments to err on the side of making information available, it says that it cannot be used by departments to restrict access to information that had been available “by custom or practice” before the *Act* was law. Community Services’ *Children in Care and Custody Manual* explicitly acknowledges this. It says the department should provide former foster children with access to information about their history. McCallum finds that Community Services works against its own *Manual* and the *FOIPOP Act*, denying foster children access to information about their past that they are entitled to know.

“There is no other means in place for those who have spent time in foster care to allow for the reunification with family members or to have questions answered such as, “Why was I removed

from my family?”, “Where did I come from?”, “Does my family have a history of health issues I should know about?” or “Who am I?”, McCallum says.

“I acknowledge that part of the rationale given to former foster children by Community Services for steering them towards making an application for access under the *FOIPOP Act* is they can appeal to the Review Officer. Unfortunately, this could amount to a hollow remedy because Community Services may not follow my Recommendation(s) but more importantly less information is available than under the *Manual*” McCallum stressed. “Community Services’ record in accepting my Recommendation(s) has been excellent in other matters so I am optimistic these Recommendations will be accepted and acted upon.”

McCallum recommends that Community Services give the five separate applicants discussed in the report access to their child-in-care records, consistent with the *Manual*. Community Services has 15 days to respond to the report. McCallum is hopeful that Community Services will follow those Recommendations, but notes that if it does not, she has recommended the Minister of Community Services ask the Legislature to address the situation through a new law for former foster children (who were not adopted) equivalent to the *Adoption Information Act*.

The complete Special Review Report is available at www.foipop.ns.ca.

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