

NEWS RELEASE

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N.S. lacks key privacy protections – Information and Privacy Commissioner releases Annual Report

HALIFAX - Official reporting suggests privacy breaches don't happen in Nova Scotia. Meaningful privacy breach notification is critical to protecting citizens' privacy rights, but Nova Scotia's public sector access and privacy laws do not require notification. Catherine Tully, Information and Privacy Commissioner for Nova Scotia, has called for that to change in her office's 2015-2016 Annual Report, released today.

In the report, Tully compares breach reports in other jurisdictions against Nova Scotia's population. She concludes that the privacy of Nova Scotians' personal information held by public bodies was likely breached between 10 and 154 times in 2015-2016.

“I am increasingly concerned that Nova Scotians are not hearing about privacy breaches that experience and common sense dictate must be occurring in government departments and municipalities. They happen in every organization and public body across the country. The causes are varied but they include human error, technical errors and criminal attacks.”

Tully notes that 2015-2016 saw the Office of the Information and Privacy Commissioner's (OIPC) first ever self-initiated privacy investigation into a government department. The OIPC investigated the Office of the Premier after a public disclosure of personal health information was reported in the media.

This investigation was the first of its kind because of the lack of privacy breach notification, Tully says. Without notification, neither the public nor the OIPC are aware of privacy issues that may need to be investigated in order to ensure that citizens' privacy is respected and protected.

The report notes improvements in the openness and accountability of Nova Scotia's public sector. Following intervention by the OIPC, the Department of Community Services has made significantly more family history information available to former foster children.

The use of taxpayers' money has also been made more open. A number of public bodies agreed to disclose contract and funding information over the objection of third parties following intervention by the OIPC.

“This type of information is very important for ensuring that taxpayers know how their money is being spent,” Tully says in the report. “It is a hallmark of accountability and transparency that this type of financial information is made available to citizens.”

The last year has seen a significant growth in the OIPC’s caseload. In 2015-2016, there was a 41% increase in new cases, which included a 17% increase in reviews and complaints, 119% increase in outreach files, and a 569% increase in consultation requests. Despite that increase, the OIPC resolved 10% more reviews and complaints in 2015-2016 than the year previous, and staff resolve matters within 65 days, on average, after the matter is assigned. Four years of backlogged case files have been cleared or assigned in the past 18 months.

Tully notes that without additional resources, the OIPC will struggle to keep up with these increasing demands.

The OIPC is responsible for monitoring and overseeing compliance with four access and privacy statutes in Nova Scotia. In discharging its mandate, the OIPC investigates and mediates access appeals and complaints, conducts formal hearings, issues recommendation reports, conducts privacy investigations, comments on the privacy implications of new programs, policies and technologies and conducts public education.

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