



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

**OWN-MOTION PRIVACY REVIEW REPORT P-12-05:
*What's Driving Privacy in Nova Scotia?***

**PRESS RELEASE
July 24, 2013**

Today, Dulcie McCallum, Nova Scotia's Freedom of Information and Protection of Privacy Review Officer released her Own-Motion Privacy Review Report regarding Service Nova Scotia's disclosure of personal information of all registered drivers in Nova Scotia to the War Amps Key Tag Program.

"Entrusted with the personal information of hundreds of thousands of registered drivers it collects to regulate drivers, Service Nova Scotia must not disclose that personal information unless authorized by law to do so. Nova Scotians need to have the right to control their personal information and have the choice of whether or not it is shared with a charity. Let me be clear. I do not object to the disclosure of driver's personal information to the War Amps. They provide an invaluable service to those they serve. However, Service Nova Scotia is legally bound to abide by provisions of our privacy laws," said McCallum on the release of her Report.

"War Amps is in an enviable position. Service Nova Scotia discloses the names and addresses of hundreds of thousands of registered drivers to War Amps each year. This is the kind of personal information hosts of charities and business covet. The people in Nova Scotia understand the importance of protecting their personal information in order to protect their privacy. This Report is to inform people about the history of the routine release of personal information to War Amps to help them understand the new law that empowers them to make their own choice," Dulcie McCallum said.

The Report indicates that Service Nova Scotia made the decision to move forward with Bill 125 in December 2012, which amended the *Motor Vehicle Act*. This amendment gave Service Nova Scotia the legal authority to release the personal information but also gave registered drivers the right to opt out.

"A major gap remains with respect to privacy, however, because people still do not understand they have a right to choose," McCallum stated. "I am very pleased to report that Minister MacDonell provided me with his initial response to the Report yesterday. The Minister stated that the department takes the protection of personal information very seriously and will give careful consideration to each of my Recommendations. Service

Nova Scotia's Minister has 30 days to respond in detail to each of the Recommendations. That detailed reply will be posted on our website when it is received," McCallum stated.

In December 2012, Service Nova Scotia introduced and passed Bill No.125, *War Amps Key Tag Act*, amending the *Motor Vehicle Act* by adding s. 71A. With this amendment, Service Nova Scotia became legally authorized to disclose registered drivers' personal information to the War Amps thus complying with the *Freedom of Information and Access to Privacy Act – 1993*. The Report finds that prior to Bill 125 the disclosure of the personal information was in breach of the *FOIPOP Act* and its predecessor statute the *Freedom of Information Act - 1977*.

The Report finds that there is an outstanding privacy issue because Service Nova Scotia has failed to let registered drivers know about the change. This amendment to the *Motor Vehicle Act* was introduced with a promise that registered drivers would be informed that they now have the right to withhold their personal information from the War Amps.

"On the evidence before me, I concluded that the Minister responsible clearly had that intention to give Nova Scotia drivers the choice, but that the necessary steps have not been taken to fulfill that promise. There is no right if there is no awareness," she said.

"I remain committed to encouraging and supporting public bodies in their efforts to comply with privacy and access legislation. I am confident that Service Nova Scotia will act on the Report's Recommendations in this spirit. As I have stated in the Report, Bill 125 amending the *Motor Vehicle Act* was an important first step in addressing my initial privacy concerns. It is my hope that by acting upon my Recommendations, Service Nova Scotia will continue to take the necessary steps to respect the privacy of Nova Scotians," reported McCallum.

For several years, the Freedom of Information and Protection of Privacy Review Office has fielded calls from concerned citizens wanting to know why their personal information was disclosed to a private charity without their consent. Prior to the enactment of the *Privacy Review Officer Act*, there was no provision for independent privacy oversight by the Review Officer. The Review Officer initiated her Own-Motion investigation on June 22, 2012, six months before Bill 125. The calls from the public continued after Bill 125 became law.

The complete public Own-Motion Privacy Review Report is available at www.foipop.ns.ca. The Report recommends, amongst other things, that Service Nova Scotia clearly inform all registered drivers and new drivers on registration that their personal information will automatically be disclosed under the *Motor Vehicle Act* to the War Amps and advise them that they have the right to elect not to have their personal information shared should that be their choice.

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