



Office of the Information and Privacy Commissioner for Nova Scotia

How to Make An Access to Information Request

There are three basic steps to making an access to information request:

1. Identify the public body, municipality or health custodian that has the records.
2. Make your request in writing.
3. Review the response.

Step 1: Identify the public body, municipality or health custodian that has the records

You must first identify the government department, agency, board, commission, municipality, municipal police service or health custodian that you believe has the records you wish to access. A good first step is to call the office you think has the records to talk to them about the information you are seeking.

The Office of the Information and Privacy Commissioner (OIPC) website includes a list of the names and contact information for individuals responsible for managing the access to information program for:

- [Health authorities](#)
- [Municipal police](#)
- [Municipalities](#)
- [Provincial government departments](#)
- [Provincial agencies, boards and commissions](#)
- [School boards](#)
- [Universities and colleges](#)

Tip #1: Before making an access to information request, check for previously released information on the municipal website or on the provincial government website and disclosure log:

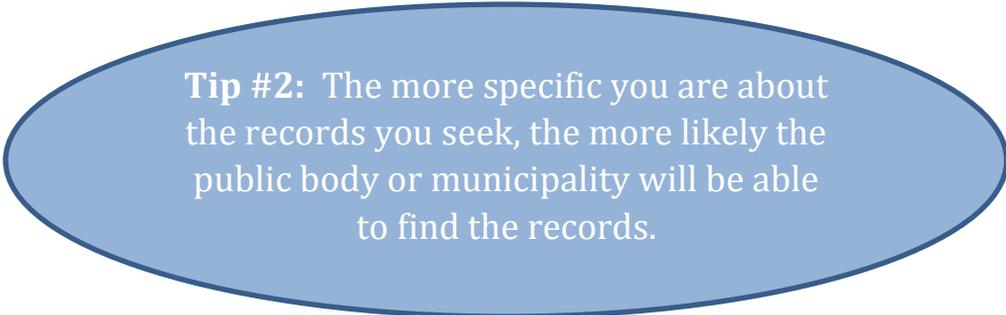
<https://foipop.novascotia.ca>

Step 2: Make your request in writing

Clearly state what you are looking for

Under the *Freedom of Information and Protection of Privacy Act (FOIPOP)* and the *Municipal Government Act (MGA)*, applicants can request access to any record in the custody or control of a public body or municipality including records containing your own personal information. The law requires that applicants specify the subject matter of the record requested with sufficient particulars to enable an individual familiar with the subject matter to identify the record. In order to satisfy this requirement, try to describe the records as best you can including the topic or focus of the records, dates, record types (e.g. emails, database reports, video) and/or names of individuals involved that you know about. Do some research online to see if there is information that can help you better define your access request.

Under the *Personal Health Information Act (PHIA)*, an individual has a right of access to a record of personal health information about the individual that is in the custody or under the control of a custodian. Applicants must specify the subject matter of the record requested with sufficient particulars to enable the custodian to identify and locate the record.



Tip #2: The more specific you are about the records you seek, the more likely the public body or municipality will be able to find the records.

Make your request in writing

Under *FOIPOP*, *MGA* and *PHIA* access to information requests must be made in writing. Under *PHIA* the custodian may waive the requirement to make the request in writing. When your request is under *FOIPOP* or the *MGA* you must also state that you are seeking records under *FOIPOP* or the *MGA*.

There are access request forms available to make this easier.

- Form 1 under *FOIPOP* available at: <https://foipop.ns.ca/forms>
- Provincial government online application available at: <https://foipop.novascotia.ca>
- Some municipalities also have forms available on their websites
- The Nova Scotia Health Authority has forms available for *PHIA* requests at: [http://www.nshealth.ca/service-details/Health%20Information%20Request%20\(Release%20of%20Health%20Information\)](http://www.nshealth.ca/service-details/Health%20Information%20Request%20(Release%20of%20Health%20Information))

Reasons for your request

You do not have to give a reason for your request under *FOIPOP*, the *MGA* or *PHIA*.

Fees

When you make your access to information request under *FOIPOP* or the *MGA* you must pay a \$5 application fee unless you are requesting your own personal information. In addition, the law permits public bodies and municipalities to charge additional fees for searching for and processing access to information requests. Your request may not proceed until the fees have been resolved. You can file an appeal of any decision relating to fees (see: [How to Appeal a Decision](#)).

When you make an access request for your personal health information from a health custodian, the health custodian may require you to pay fees as authorized under *PHIA*. See the [PHIA Fee Fact Sheet](#) for more information on these types of fees.



Tip #3: Keep a copy of your request.

Step 3: Review the response

The public body, municipality or health custodian must respond in writing within 30 days. Responses could include:

- ✓ A time extension decision
- ✓ A fee estimate
- ✓ A copy of the records requested in whole or with some information withheld
- ✓ A decision denying access to all requested information
- ✓ A decision stating that no records exist

Carefully review the response you receive. Call the public body, municipality or health custodian if you have questions. If you disagree with decision, you can file an appeal with the Office of the Information and Privacy Commissioner. You must do so within 60 days of being notified of the [decision](#).

Tip #4: If you disagree with the decision of a public body or municipality, it often helps to call them to discuss your concerns.

Notice

These guidelines are for information only and do not constitute a decision or finding by the Information and Privacy Commissioner for Nova Scotia with respect to any matter within her jurisdiction. These guidelines do not affect the powers, duties or functions of the Commissioner regarding any complaint, investigation or other matter under or connected with the Commissioner's jurisdiction, respecting which the Commissioner will keep an open mind.