



Office of the Information and Privacy Commissioner for Nova Scotia

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## Access to Information: Frequently Asked Questions

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### ***Do I always need to go through a formal process?***

**No.** You should [contact](#) the public body or municipality first to see if a formal process is needed. Some types of administrative or operational records are routinely released automatically or may already be available as public information. The provincial government has a log of information already released to other applicants that you can access online: <https://foipop.novascotia.ca>. The public body or municipality can help you understand what kinds of records exist and what you need to do to get access.

### ***Can't I just ask the Information and Privacy Commissioner for the records I want?***

**No.** You cannot get records directly from the Information and Privacy Commissioner's Office. The Commissioner's office does not have direct access to records held by public bodies or municipalities. Even if you appeal to the Information and Privacy Commissioner and she recommends that records should be released, the records will always be given out by the public body or municipality involved.

### ***Will the public body or municipality really respond in 30 days?***

**Yes.** Many requests are filled within the first 30 days. Even if the public body or municipality takes a time extension, you must be informed of the reason for the extension in writing, before the first 30-day deadline.

The purpose of Nova Scotia's *Freedom of Information and Protection of Privacy (FOIPOP)* law is to make public bodies fully accountable to the public.

### ***What is a time extension and what are the reasons for one?***

A public body or municipality can take a 30-day extension (for a total of 60 days from the original request) and can apply to the Information and Privacy Commissioner for approval of more time.

Time extensions are permitted for these reasons:

- ✓ there is not enough detail in the original request; OR
- ✓ the record(s) are very large or complex and meeting the deadline will unreasonably interfere with the public body's or municipality's operation; OR
- ✓ a third party or another public body must be consulted before making a decision.

### ***What if the public body or municipality didn't respond in the first 30 days?***

If you did not hear from the public body or municipality at all within 30 days of your request, not even letting you know about a time extension, you should first check with the public body or municipality. If you are not satisfied, you can [appeal](#) (request for review) to the Information and Privacy Commissioner.

### ***I got a "fee estimate". What now?***

You can pay the fee or you can request that the public body or municipality excuse you from paying the fee if you cannot afford the payment or if it would be fair to excuse the payment. If your request is to a public body under *FOIPOP* you can also ask to be excused from paying the fee if the record relates to a matter of "public interest" including the environment or public health or safety. If you disagree with the fee waiver decision, you can [appeal](#) to the Information and Privacy Commissioner. You can also change your request so that fewer records are captured which should lower the cost.

### ***What if I don't believe the public body or municipality gave me everything I asked for?***

First, ask yourself what you think is missing and why you think it should have been included. Then, you should ask the public body or municipality more questions about the records you think are missing. If you believe that the public body or municipality has records that did not come out in their search, you can [appeal](#) to the Information and Privacy Commissioner.

### ***What if I believe I should get information that is blanked out (withheld)?***

If you received records but some of the information is blanked out (withheld), the public body or municipality must include the reasons for this in its decision to you. The reasons must include the section numbers from the legislation (*FOIPOP* or the *MGA*) that are legitimate exceptions to access. If you are not satisfied with the decision, you can [appeal](#) to the Information and Privacy Commissioner.

### ***When can a public body or municipality blank out (withhold) information?***

The law requires a public body or municipality to withhold:

- ✓ Personal information of third parties if disclosure would be an unreasonable invasion of privacy
- ✓ Confidential business information, if the business can show that significant harm would result from disclosure

Under certain circumstances, a public body or municipality may withhold other information, including:

- ✓ Executive Council (Cabinet) discussions
- ✓ Advice given to a public body or municipality
- ✓ Law enforcement matters
- ✓ Solicitor-client privileged information
- ✓ Information that will risk health or safety
- ✓ Information from closed meetings of a public body or municipality

### ***What will happen if I appeal to the Office of the Information and Privacy Commissioner (OIPC)?***

An appeal to the OIPC means that you ask for a decision, act, or failure to act to be investigated. If necessary, the OIPC may issue a public report with recommendations to the public body or municipality. There are three main stages of an appeal to the OIPC:

1. Intake
2. Informal resolution
3. Formal review

For more information on the appeal process see [How to Appeal a Decision](#).

The purpose of Nova Scotia's *FOIPOP* law is to help the public be informed and participate in the democratic process.

#### **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.