



Office of the Information and Privacy Commissioner for Nova Scotia

Privacy: Frequently Asked Questions

What are my privacy rights?

- ✓ To request a free copy of my own personal information held by a public body or municipality. See the [PHIA FAQs](#) if you are seeking a copy of your own personal health information from a health custodian.
- ✓ To request that a public body or municipality correct my personal information if I believe there is an error.
- ✓ To complain if I believe that the public body or municipality has violated the privacy rules.

How do I correct an error in my personal information?

1. Contact the public body or municipality directly in writing. There is no fee to request a correction.
 - ✓ Form 2 is available to make it easier: www.foipop.ns.ca/forms
 - ✓ Be specific about what record and what information you want to correct
 - ✓ Provide documentation or evidence of the correct information
2. Review the public body's or municipality's response.
 - ✓ The public body or municipality may correct the information you requested
 - ✓ The public body or municipality may note your request in the record
3. If you disagree with the public body's or municipality's response or if it does not respond within 30 days, you can [appeal](#) to the OIPC.

Can I request another person's personal information?

Yes. You can request access to records that contain another person's personal information, but the law has strong privacy protections to stop disclosure if it would be an **unreasonable invasion of that person's privacy.**

What is an “unreasonable invasion of privacy”?

<p>A public body or municipality must assess <u>all</u> the circumstances to determine what would be an unreasonable invasion of privacy. Three key considerations are:</p>	
<p>Disclosure presumed to be an unreasonable invasion of privacy includes:</p>	<p>Disclosure presumed NOT to be an unreasonable invasion of privacy includes:</p>
<ul style="list-style-type: none"> ✓ Personal medical, dental records ✓ Information compiled as part of a police investigation ✓ Information relating to eligibility for benefits ✓ Information relating to employment or educational history ✓ Information compiled for tax purposes ✓ Information about personal finances, income, assets, debts ✓ References and personnel evaluations 	<ul style="list-style-type: none"> ✓ The person consents ✓ There are compelling reasons affecting someone’s health or safety ✓ Information about a person’s position, function, salary as an employee or member of a public body or municipality ✓ Information about expenses incurred while working for a public body or municipality ✓ Information about a license or permit granted by a public body or municipality ✓ If a law allows or requires it
<p>Other factors a public body or municipality must consider:</p> <ul style="list-style-type: none"> ✓ Disclosure is desirable for holding the public body or municipality accountable ✓ Disclosure is likely to promote public health or safety ✓ Disclosure will unfairly expose a third party to financial or other harm ✓ The personal information was supplied in confidence ✓ Disclosure may unfairly damage the reputation of any person referred to ✓ The passing of time 	

Is there any compensation for a violation of my privacy rights?

Maybe. You may receive an apology from a public body or municipality and help to limit the damage from the breach, but the OIPC cannot get you money or issue penalties to a public body or municipality. You may also receive an explanation for how the public body or municipality intends to prevent a similar breach happening in the future. There are examples of people who have sued a public body or municipality in civil court and received money to compensate for a privacy breach. For more information about civil lawsuits, contact a lawyer.

What will happen if I file a privacy complaint with the Office of the Information and Privacy Commissioner (OIPC)?

There are three main stages of a privacy complaint investigation at the OIPC:

1. Intake
2. Investigation & informal resolution
3. Formal review

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

If you bring a privacy complaint to the OIPC and the matter does not resolve informally, the formal report may be issued privately to protect your identity. Recommendations to a public body or municipality may include changes to the way it collects, uses, discloses or secures personal information. If your complaint raises issues affecting the privacy rights of a significant number of people, the OIPC may issue a public report describing the public body's or municipality's responsibilities and our recommendations. The OIPC will investigate the circumstances and if the findings do not support your complaint, the OIPC will let you know.

When can someone legitimately collect my Social Insurance Number (SIN)?

Your SIN is an important unique identification number provided by the Government of Canada for financial purposes. It is used for recording employment income, income tax, for borrowing money and making investments. Under Canadian federal law, you are required to give your SIN to a person or organization only for specific reasons, all related to financial matters. You should protect your SIN and not give it out for purposes other than valid reasons because it can be used to commit identity theft. If you want more information about how to use and protect your SIN, you can contact the Privacy Commissioner of Canada (www.priv.gc.ca).

Privacy is fundamental to individual security, self-expression, and dignity. The purpose of privacy laws is to put rules in place to protect citizens.

What do I do if my privacy was breached and my information is 'out there'?

Here are some steps you can take to minimize harm from a privacy breach:

- ✓ Attempt to retrieve any copies or get assurance from the person(s) who received your information that it was deleted or destroyed
- ✓ Replace your personal identification if it was breached (driver's license, Social Insurance Number, health card number, passport) as soon as possible
- ✓ Let essential organizations like: the public body who issues the identification, your bank or your doctor know that your privacy was breached so they can watch for possible fraud
- ✓ If it is possible for your financial situation or credit to be affected by the breach, get credit protection and notification services

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.