



# **Consultation Request Guidelines for Public Bodies, Municipalities and Health Custodians**

Office of the Information and Privacy Commissioner for Nova Scotia

## INTRODUCTION

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The Office of the Information and Privacy Commissioner for Nova Scotia (OIPC) provides independent oversight of Nova Scotia's access and privacy laws: the *Freedom of Information and Protection of Privacy Act (FOIPOP)*, the *Privacy Review Officer Act (PRO)*, Part XX of the *Municipal Government Act (MGA)* and the *Personal Health Information Act (PHIA)*. Public bodies, municipalities and health custodians are all subject to oversight by the OIPC.

The OIPC is often asked by public bodies, municipalities and health custodians to comment on various matters, including programs, policies, initiatives, issues and other matters under *FOIPOP*, *PRO*, *MGA* and *PHIA*. As the independent agency mandated to oversee and enforce compliance with *FOIPOP*, *PRO*, *MGA* and *PHIA*, the OIPC does not approve, endorse, certify, sign-off on or support any program, policy, initiative, issue or other matter. Our comments in response to such requests are just that, comments, and it remains the responsibility of public bodies, municipalities and health custodians to ensure that they comply with their duties and obligations under the applicable law. Accordingly, any suggestions or guidance that we provide cannot be relied upon to dispense with those duties and legal obligations.

Further, our comments are not intended to be relied upon as legal or other advice and cannot be relied upon as such. Our comments do not fetter or bind or constitute a decision or finding by the OIPC with respect to anything on which we have commented or respecting any related matter, including any complaint, request for review, investigation or any other matter under *FOIPOP*, *PRO*, *MGA* and *PHIA* respecting which the OIPC will keep an open mind.<sup>1</sup>

## HOW TO REQUEST A CONSULTATION WITH THE OIPC

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### STEP 1

Review any previous consultations and/or communications you have had with the OIPC on this or a similar matter. The information you require may have already been provided to you. If not, proceed to Step 2.

### STEP 2

Determine your deadline. The OIPC will attempt to meet your organization's response deadline where operational requirements permit.

Consultations on general issues such as exemptions under the legislation should be submitted 10 business days prior to your deadline.

Consultations on larger programs, policies, initiatives or issues such as privacy impact assessments will require a minimum of 30 days to provide a comprehensive response.

Responses to consultation requests received outside the timelines indicated may be delayed or may not be as comprehensive. We strongly recommend that you consider access and privacy legislation at the outset of the project and submit your consultation request as soon as possible.

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<sup>1</sup> These guidelines were adapted in part from a similar publication prepared by the Office of the Information and Privacy Commissioner for British Columbia.

**Our expectation is that prior to requesting a consultation, you first familiarize yourself with the legislation, as well as check the resources available on our website, to see if your issue may be resolved without the need for a consultation.**

### **STEP 3**

Review the relevant section(s) of the applicable [legislation](#) (*FOIPOP*, *PRO*, *MGA*, *PHIA*).

### **STEP 4**

Review the relevant [tools and guidance](#) on our website. We have developed a robust series of tools to assist public bodies, municipalities and health custodians address access and privacy matters and OIPC [training materials](#) are also available on our website.

### **STEP 5**

Review any applicable review reports the OIPC has issued on this matter. Visit our website to view our [publicly issued review reports](#). You can search reports by section under *FOIPOP* and *MGA* using the [section index to past review reports](#). All publicly issued reports are also published to and can be searched on the [Canadian Legal Information Institute's website](#).

### **STEP 6**

Compile your questions regarding the access and/or privacy matter on which you want to consult.

### **STEP 7**

Complete the Consultation Request Form and submit it to the OIPC via email to [opcns@novascotia.ca](mailto:opcns@novascotia.ca). Do not include third party personal information on the form.

## **TRAINING**

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The OIPC periodically offers access and privacy training. If you interested in attending future training sessions, please indicate so on the Consultation Request Form and we will notify you of any upcoming sessions.

**Notice:**

We confirm that the assistance we provide in response to any consultation is based on the information you have provided. The assistance we provide should not be treated as precedent setting or as a legal opinion. It is intended to assist and provide guidance to the public body, municipality or health custodian on what some of the relevant considerations are when coming to its own decisions. It remains the responsibility of each public body, municipality and health custodian to ensure that they comply with their responsibilities under the relevant legislation.

As an independent agency mandated to oversee compliance with the access and privacy laws of Nova Scotia, the Office of the Information and Privacy Commissioner for Nova Scotia cannot approve in advance any policy, practice, or proposal from a public body, municipality or health custodian. We must maintain our ability to independently investigate any complaints or requests for review. The contents of our response to a consultation do not fetter or bind this office with respect to any matter. Should an appeal of this matter or any matter that resembles these scenarios come to the OIPC as a review or complaint, we will keep an open mind and look at the matter with fresh eyes.

While we consider consultations confidential, we will share similar information about relevant considerations with an applicant or third party if they were to ask the same question. Should we receive a review or complaint, we will let the applicant or complainant know we were consulted on the matter prior to the decision being made and we will share the contents of the assistance given. If we are asked to publicly confirm whether we were consulted, it is the policy of this office to provide confirmation but not details of the substance of the consultation.

This document was prepared by the Office of the Information and Privacy Commissioner for Nova Scotia. We can be reached at:

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