

How do you know what personal information has been collected about you by the Government?

If you believe that a public body has your personal information in a record, you have the right to request access to it. For more information on accessing records, please check out our **Mini Guide to Access**.

How can you have errors and omissions corrected?

If you feel there is an error or omission in your personal information, you may request that the head of the public body that has the information in its custody or under its control correct the information.

Where no correction is made in response to a request, the head of the public body must annotate the information with the correction that was requested but not made.

On correcting or annotating personal information the head of the public body must notify any other public body or any third party to whom that information has been disclosed during the one year period before the correction was requested.

What if your request is refused?

If your request is refused, or partially refused, you may request a review with this office or file an appeal before the Supreme Court of Nova Scotia.

The Information and Privacy Commissioner may examine the records and determine if the public body complied with the legislation.

Where can you get more information?

For more information please visit our website:
www.foipop.ns.ca

To speak to somebody at the Office of the Information and Privacy Commissioner for Nova Scotia:

Phone 902-424-4684
Toll Free 1-866-243-1564
TDD/TTY 1-800-855-0511
(Deaf or Hearing Impaired)

Email: oipecns@novascotia.ca

Requests for review may be sent by mail to:

**Information and Privacy
Commissioner for Nova Scotia**
PO Box 181
Halifax, NS B3J 2M4

or by fax to:
902-424-8303



Office of the Information
& Privacy Commissioner
Nova Scotia



Privacy

Mini Guide to Privacy

What are your privacy rights?

The *Freedom of Information and Protection of Privacy Act (FOIPOP)* and Part XX of the *Municipal Government Act (MGA)* require the protection of personal information that is collected or controlled by provincial and municipal public bodies in Nova Scotia, respectively.

These laws also give citizens the right to access information that is maintained in public body records. For more information about your access rights, please check out the **Mini Guide to Access**.

You have the right to make a privacy complaint if you feel a public body is not complying with its legal obligations regarding your own personal information, by filing a complaint with the public body. If you are not satisfied with a provincial public body's response, you can file a complaint with the Information and Privacy Commissioner.

What are public bodies?

The *FOIPOP Act* applies to all provincial government departments, community colleges, universities, school boards, health authorities, and provincial agencies, boards and commissions.

Part XX of the *MGA* applies to all local governments and organizations, such as regional and district municipalities, towns, villages and service commissions. Municipal fire departments and police forces are also subject to the *MGA*.

At this time, municipal bodies are not subject to oversight by the Information and Privacy Commissioner, however you may still file a complaint with the municipal body.

Also included in the *Acts'* privacy provisions is the right to request that errors and omissions in your personal information be corrected.

As of June 1, 2013, privacy relating to your personal health information falls under the *Personal Health Information Act (PHIA)*. See our website for more information about *PHIA*: www.foipop.ns.ca.

How is your personal information used?

A public body may use your personal information only:

- For the purpose for which that information was obtained or compiled, or for a use compatible with that purpose
- If you have identified the information and have consented, in the prescribed manner, to the use, or
- For the specific purposes provided in s. 27 to s. 30 of the *FOIPOP Act*, or s. 485 of the *MGA*.

How is your personal information treated?

Personal information shall not be collected by, or for a public body unless the collection of that information is expressly authorized by or pursuant to an enactment, the information is collected for the purpose of law enforcement, or the information relates directly to and is necessary for an operating program or activity of the public body.

Where your personal information will be used by a public body to make a decision that directly affects you, the public body must make every reasonable effort to ensure that the information is accurate and complete.

The public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

Where a public body uses your personal information to make a decision that directly affects you, the public body must retain that information for at least one year after using it, so that you have a reasonable opportunity to access it.

When can your personal information be disclosed?

There are more than 20 situations when personal information can be disclosed, or shared, by a public body with either another person or another body. For a full list refer to the *Acts*, but some of the most common situations are:

- If the *FOIPOP Act* or the *MGA* allows it
- If you provide consent
- If there is a health and safety concern
- For various investigation/audit purposes
- And most importantly "for the purpose for which it was obtained or compiled, or a use compatible with that purpose." A compatible purpose is where there is a direct and reasonable connection to the original purpose and it is necessary to perform statutory duties or programs. It is essentially an extension of the original use.

Where a disclosure is authorized, it is still limited to only the information based on the "need to know" principle.

How do you file a privacy complaint?

The *Privacy Review Officer Act* requires that, before the Information and Privacy Commissioner can investigate a privacy complaint, you must first provide the public body with your complaint in writing so the public body can complete its internal privacy complaint process. When this step is complete, if you continue to have privacy concerns, you can file a privacy complaint with the Information and Privacy Commissioner.

As each public body will have its own internal privacy complaint process, you may wish to contact the public body before filing your complaint so that you know what is required from you.

How much does it cost?

There is no charge for filing a privacy complaint.

When can you expect a response?

There is no legislated timeline associated with a public body internal complaint process or the review process.

As each public body will have its own internal privacy complaint process, you may wish to contact it before filing your complaint, so that you know what to expect.