



Office of the Information and Privacy Commissioner for Nova Scotia

The Office of the Information and Privacy Commissioner (OIPC) is the independent oversight body of Nova Scotia’s access to information and privacy laws – the *Freedom of Information and Protection of Privacy Act (FOIPOP)*, *Privacy Review Officer Act (PRO)*, *Part XX of the Municipal Government Act (MGA)* and the *Personal Health Information Act (PHIA)*. Provincial public bodies, municipal bodies and health custodians are all subject to oversight by the OIPC. The table below uses the term “public body” to refer to these provincial public bodies, municipal bodies and health custodians that are subject to Nova Scotia’s access to information and privacy laws.

Many people call or complain to the OIPC about matters that we cannot help with. To determine if the OIPC can review the matter, refer to the chart below describing what we can do and what we cannot do.¹

What the OIPC Cannot Do	What the OIPC Can Do
<ul style="list-style-type: none"> • Does not process access requests, correction of personal information requests or privacy complaints on behalf of public bodies. Individuals must make their request or complaint directly to the relevant organization. • Cannot release records submitted by public bodies to the OIPC for review. The Commissioner cannot order a public body to disclose records, she can only make recommendations to public bodies. If records are released, they never come from the OIPC. • Does not store records on behalf of any public body. • Cannot conduct a search for records on behalf of any public body. • Cannot review how public bodies respond privacy complaints under the <i>MGA</i>. • Cannot issue monetary awards, issue fines or penalties. • Cannot enforce the offence and penalty provisions of <i>FOIPOP</i>, <i>MGA</i> or <i>PHIA</i>. • Cannot force anyone to be disciplined, suspended or fired from their job. Decisions related to job discipline are made by the employer and the OIPC cannot change those decisions. 	<ul style="list-style-type: none"> • Can review how public bodies respond to access to information (or freedom of information) requests (access requests) under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>. The OIPC only conducts a review if someone is dissatisfied with the public body’s response and requests a review. Issues such as search, severing and fees can be investigated. • Can review how public bodies respond to correction of personal information requests under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>. • Can review how public bodies respond privacy complaints under <i>PRO</i>, <i>FOIPOP</i> and <i>PHIA</i>. • May require a public body to produce any record in its custody or control to the OIPC for the purpose of conducting a review. • May enter and inspect any premises occupied by a public body. • May informally resolve or mediate reviews, or issue review reports with findings and recommendations. • Can initiate an investigation of a public body’s compliance with privacy provisions in <i>FOIPOP</i> or <i>PHIA</i>, even without a request for review. These reviews may result in public investigation reports.

¹ This article was adapted from content available on the website of the Office of the Information and Privacy Commissioner of Alberta.

What the OIPC Cannot Do	What the OIPC Can Do
<ul style="list-style-type: none"> • Cannot review how a public body's services are provided, or how it treats its clients. • Cannot change, further investigate, or reinvestigate a decision made by another public body or administrative tribunal about providing a benefit or issuing a penalty, such as decisions made by the Workers' Compensation Board, the Department of Community Services, police, enforcement officers, etc. • Cannot act behalf of or represent any individual or public body. The OIPC is neutral. The OIPC is not an advocate for the applicant or the public body. The OIPC is an advocate for compliance with the access and privacy laws. • Cannot review or investigate the actions of individuals as private citizens. • Cannot be party to any appeal to the Nova Scotia Supreme Court under <i>FOIPOP</i>, <i>MGA</i> or <i>PHIA</i>, and cannot offer advice or guidance on court processes. • Does not have authority to draft or change laws. • Cannot make public bodies document their decisions or create records. • Cannot approve how long records must be kept by a public body. • Cannot require a public body to proactively make records available to the public. • Cannot accept a review or complaint about a federal government organization or a private business. This includes privacy concerns stemming from a private company or landlord/tenant relationship. • Cannot determine where records are stored, including verifying which public body has the records applicants are seeking. • Cannot act as an intermediary between an applicant and public bodies while a public body is processing an access request, correction request or privacy complaint. 	<ul style="list-style-type: none"> • Does process requests from public bodies for time extensions to respond to access requests under <i>FOIPOP</i>, <i>MGA</i> and <i>PHIA</i>, and time extension requests to respond to privacy complaints under <i>PHIA</i>. • On request of public bodies, may consult on various access and privacy matters, including legislation, programs, policies, initiatives, issues and other matters under <i>FOIPOP</i>, <i>PRO</i>, <i>MGA</i> and <i>PHIA</i>. • Does review privacy breach reports submitted by public bodies under s. 70 <i>PHIA</i>. • Does receive notifications under s. 57(d) of <i>PHIA</i> of personal health information disclosures to researchers. • May develop education resources and provide access and privacy training to public bodies. • May make presentations to various groups about access and privacy laws and the OIPC's work. <div data-bbox="1083 927 1877 1208" style="background-color: #0056b3; color: white; padding: 10px; border-radius: 15px; margin-top: 20px;"> <p style="text-align: center; margin: 0;">Need help with the terms in this table? Check out our glossaries:</p> <ul style="list-style-type: none"> • Review Request Terms • Access to Personal Health Information Terms • Privacy Terms (Personal Health Information) </div>

