



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
REVIEW OFFICE

ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR

2006-2007

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ACCOUNTABILITY STATEMENT

The Accountability Report of the Freedom of Information and Protection of Privacy Review Office for the year ending March 31, 2007 is prepared pursuant to the Provincial Finance Act and government policies and guidelines which require the reporting of outcomes against the Freedom of Information and Protection of Privacy Review Office Business Plan for the 2006-2007 fiscal year. The reporting of the Freedom of Information and Protection of Privacy Review Office outcomes necessarily includes estimates, judgments and opinions.

We acknowledge that this Accountability Report is the responsibility of the Freedom of Information and Protection of Privacy Review Officer. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in Freedom of Information and Protection of Privacy Review Office Business Plan for the year.

Dulcie McCallum
Freedom of Information and Protection of Privacy Review Officer

**MESSAGE FROM THE FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY REVIEW OFFICER**

Ms. Dulcie McCallum

I am pleased to present my first Accountability Report behalf of the Freedom of Information and Protection of Privacy (FOIPOP) Review Office for 2006 - 2007. The FOIPOP Review Officer is an independent statutory oversight body for access and privacy issues affecting Nova Scotians.

The FOIPOP Review Officer is pleased to report that the Office has met most of its goals. Steps to ensure public access and understanding of Freedom of Information and Protection of Privacy (FOIPOP) legislation have been well received. However, to ensure all Nova Scotians are aware of their rights ongoing public outreach is required. The expertise and enthusiasm of my staff who effectively process, investigate, research, educate, mediate and report on access and privacy complaints warrants mention.

This document illustrates the Freedom of Information and Protection of Privacy Review Office's contribution to the Government's priority of providing accessible, transparent, responsible and accountable government. Key to the success of these efforts:

- Providing an effective intake, mediation, investigation and review process for access to information request
- Ensuring citizens have adequate protection and privacy of their personal information.
- Increasing public awareness and understanding of legislated rights and obligations under the *Freedom of Information and Protection of Privacy Act*, and Part XX of the *Municipal Government Act* and the role of the Review Officer and her staff.
- Working with government and public bodies towards promoting a culture of compliance with the *Freedom of Information and Protection of Privacy Act*, and Part XX of the *Municipal Government Act*, thereby reducing the need of Requests for Review.

The FOIPOP Review Officer will continue to focus on efficiency and effectiveness as an independent oversight body dedicated to promoting public access to information and privacy rights.

Dulcie McCallum

Freedom of Information and Protection of Privacy Review Officer

INTRODUCTION

This document is based on the goals and priorities identified in the FOIPOP Review Office's 2006-2007 Business Plan filed by my predecessor, Acting Review Officer Dwight Bishop. That Business Plan is available on the FOIPOP Review Office's website at http://www.foipop.ns.ca/pub_admin.html, along with my first Business Plan 2007-2008. We will report on the latter in 2008.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core businesses of *Intake, Investigation, Mediation and Review Processing, Awareness and Education, and Public Administration*. The FOIPOP Review Office did meet its budget targets during 2006-2007.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2006-2007 Business Plan. This Report is organized around the strategic goals of the Review Office and will outline the progress made toward achieving the stated goals and priorities. The final sections set out financial information and performance measures.

PROGRESS AND ACCOMPLISHMENTS

Strategic Goals, Priorities and Accomplishments

The Accountability Report details the initiatives undertaken since our 2006-2007 Business Plan to achieve the priorities established by that plan:

1. *Intake, Investigation, Mediation and Review Processing*

To ensure citizens' Requests for Review are addressed in an open, objective and independent manner through:

- Improving/streamlining the overall review process, ensure timely response to Requests for Review, reduce the number/need of Review Requests, increase the number settlements through informal discussion and mediation sessions.
- Increasing consultation and focus on privacy issues.
- Conducting an office reorganization and position reclassifications.
- Developing staff training plans regarding privacy and access issues.

Accomplishments:

Tracking of general inquiries regarding access and privacy began in 2006. The FOIPOP Review Office received 393¹ inquires, and 83% were from the general public.

In 2006 the intake process was streamlined, this resulted in a decrease of intake time from 32 days in 2005 to 26 days in 2006. The number of Review Reports issued decreased from 40 in 2005 to 21 in 2006. This reduction emphasizes the focus by the FOIPOP Review Office to resolve issues by providing well-researched opinions and options to encourage mediated results rather than formal reviews.

With regards to privacy, the *Freedom of Information and Protection of Privacy Act* and Part XX of the *Municipal Government Act* do not provide for specific review authority by the Review Officer in privacy matters though one of the overarching purposes of the Act is to provide an independent review of all decisions made under the Act. The Review Office, however, has conducted privacy investigations where there is mutual cooperation of all concerned parties. In 2006, the Review Office opened six privacy investigations, all dealing with the issue of the inappropriate disclosure of personal information. Of the six, one was outside the jurisdiction of the Review Officer and one public body chose not to participate. Two complaints were

¹The statutory reporting under the Act is on a calendar year basis. The Accountability Report needs to be read as such.

substantiated. The Review Officer plans to continue to seek changes to the legislation with regards to privacy oversight or to pursue an adequate means by which Nova Scotians' privacy concerns are adequately addressed.

The reclassification and staffing process are nearing completion. In 2006 a comprehensive job description for a new FTE for an Intake/Administrative Assistant position was developed to be submitted to the Public Service Commission in 2007.

On June 23, 2005, a Review Office staff member successfully completed the Information Access & Protection of Privacy (IAPP) Certificate. Another member of the Review Office team began the IAPP program in September 2006. Two staff members attended a Privacy Investigators Workshop hosted by the federal Privacy Commissioner of Canada on March 28 - 30, 2007.

2. Awareness and Education

To advocate for the Acts, and increase the awareness of citizens and public servants of their rights and obligations provided by the Freedom of Information and Protection of Privacy Act, Part XX of the Municipal Government Act through:

- Developing and implementing a communication plan to enhance the profile and openness of the Review Office.
- Establishing and participating on an Interdepartmental FOIPOP Steering Committee.
- Co-hosting the Annual Atlantic Access and Privacy Workshop in June, and conduct an open house during 'Right to Know Week' in September.

Accomplishments:

On April 5, 2006, an Interdepartmental FOIPOP Steering Committee was created. The Committee, which is a self-contained unit supported by the FOIPOP Coordinator of the Department of Justice and the FOIPOP Review Office, brought together Nova Scotia FOIPOP professionals to discuss information access and privacy issues common to both the Coordinators Office and the Review Office in order to provide recommendations and to facilitate solutions with respect to these issues

The FOIPOP Review Office co-hosted the Atlantic Access and Privacy Conference held in Halifax on June 20-21, 2006. This provided an opportunity for the access and privacy community to meet, network and share ideas with colleagues across the Atlantic Provinces.

During September 25-29, 2006, the FOIPOP Review Office participated in Right to Know Week, a Canada-wide effort to raise awareness of the right to access information and its value, with a local focus on what it means to those living and working in Nova Scotia. The FOIPOP Review Office co-hosted events in conjunction with various libraries in Nova Scotia, as well as

participated in an open forum with the Nova Scotia Right to Know Coalition.

3. *Public Administration*

To work with government and public bodies toward promoting a culture of compliance with the *Freedom of Information and Protection of Privacy Act*, and Part XX of the *Municipal Government Act*, through:

- an independent well-resourced review process
- mediation
- recommendations and provision of opinions
- advocating for an open government, and a culture of compliance with the Acts
- education/training of stakeholders
- participation in legislative and policy development review committees/processes

Accomplishments:

In 2006 the percentage of Requests for Review that were resolved through mediation increased from 48% in 2005 to 62%. In 2006, public bodies usually accepted the Review Officer's recommendations contained in the Review Reports either in full (62%) or in part (24%).

During the reporting period, the Review Office contributed to stakeholder training through participating on the Education and Training Working Group, taking part in the creation of FOIPOP Training Videos, and hosting an open house for new FOIPOP Administrators.

FINANCIAL RESULTS

Freedom of Information and Protection of Privacy Review Office		
Expenses		
2006-2007		
	Budget	Actual
	(\$ thousands)	(\$ thousands)
Net Program Expenses	256	248
Salaries and Employee Benefits	135	152
Funded Staff (FTE's)	2	2

PERFORMANCE MEASURES

This fiscal year was met with staff transition. For an Office with a full-time staff compliment of three, including the Review Officer, some challenges were faced. Despite such challenges, the Freedom of Information and Protection of Privacy Review Office attained or exceeded the majority of its performance targets.

Core Business areas identified in the 2006-2007 Business Plan:

1. Intake, Investigation, Mediation and Review Processing

The first outcome is an efficient and effective intake, mediation and review report process.

The measure is the timely completion of intake, investigations, mediation and Review Reports/recommendations with respect to Requests for Review and assistance provided in resolving privacy inquiries and complaints.

The average time frame for intake was 26 days; mediation 41 days and Review Reports 11 days. This is a reduction from 2005 figures where the intake was 32 days, mediation 47 days and Review Report 18 days. This exceeded the 2006 target of 30 days for intake, 52 days for mediation and 26 days for a Review Report. The Review Office's target for 2007 is to maintain the 2006 figures depending on the demands on the office, particularly intake and Requests for Review.

In 2006, assistance was provided on 89 privacy related inquiries and complaints as compared to 52 the previous year.

During the 2006-2007 fiscal year a casual Intake/Administrative Assistant was hired to assist with the effective administration of the Office. Since January 24, 2006, an Acting Review Officer was appointed pending the selection and appointment of a permanent Review Officer. On February 5, 2007, a permanent full-time Review Officer was appointed for a five year term. It is expected that the staff complement will increase over the 2007-2008.

A second outcome is increased awareness of the role and mandate of the Review Office and the public's awareness of their rights under both Acts.

The measure is increased use of mediation reducing the need for Review Reports, and encouraging government and public bodies to further familiarize themselves with their obligations under the Acts to reduce the number of Requests for Review. Review files resolved through mediation increased to 58%, compared to 48% in 2005. In 2007, the target is to increase

the resolution of Reviews through mediation by 5% over 2006.

2. Awareness and Education

Increase public awareness, understanding, training and education of the Freedom of Information and Protection of Privacy Act and Part XX of the Municipal Government Act. Increase citizens' accessibility to information and privacy.

The first measure is to increase the number of individuals receiving information and training on the role of the Office and relevant legislation. In 2006 the number of training and information sessions increased to 14, from 13 in 2005. This is just shy of the Review Office target to increase in the number of presentations and information sessions in 2005 by 10%. The target set for 2007 is to increase the 2006 figure by 10%.

The second measure is to decrease the percentage of applications to public bodies for access to information that become Requests for Review to the Review Office. The percentage decreased from 8.2% in 2005 to 7.2% in 2006, surpassing the target to maintain the 2005 results. The target set for 2007 is to decrease the percentage by 1% over 2006.

3. Public Administration

Promote openness, transparency and accountability in public sector administration; advocate for the Acts and advance protection of privacy issues.

This is measured by the percentage of Review Report recommendations accepted in full or in part. In 2006 recommendations accepted in full decreased considerably from 88% in 2005 to 62%. However, recommendations accepted in part increased to 24%, from 18% in 2005. Public Body responses to Review Report recommendations are publicly available on the Review Office's website. In 2007 the FOIPOP Review Office would like to increase the 2006 target by 2%.