

2007 ANNUAL REPORT

MISSION

To provide independent oversight of the Freedom of Information and Protection of Privacy Act and Part XX of the Municipal Government Act, to investigate requests and complaints from individuals and groups who feel that their access to information rights or their privacy rights, as provided for in both Acts, have not been respected, and to make recommendations to public bodies to rectify their processes and practices with respect to access requests or protection of privacy.

Ongoing Issues

Fees

In the Review Office 2006 Annual Report, the Minister of Justice's decision to undertake a review on the issue of fees was applauded. Since that time, the \$25 fee to Request a Review has been eliminated. This is a step in keeping with equal access for all – regardless of income – to an independent oversight body. Changes to the Regulations also provide for two free hours of search time. The decision was made to keep the application fee for all access to information requests. The Government of Nova Scotia is once again encouraged to lower or remove the access application fee, which remains one of the highest in Canada.

Privacy

The 2006 Annual Report commented on sections 24 to 31 of the Freedom of Information and Protection of Privacy Act that create the standards for the collection, use and disclosure of personal information. The Act does not appear to provide for specific review authority by the Review Officer in privacy matters. As a matter of practice, privacy investigations are examined where there is mutual cooperation of all concerned parties.

A lack of clarity regarding privacy oversight remains an issue. This is unacceptable in this day and age where there is a heightened awareness of an individual's privacy rights. This situation must be rectified sooner rather than later. The protection of privacy interests should be secured through access to an independent oversight body. This would align our statutory protections with those that are available to people at the federal and private sector levels.



A Message from the Review Officer

This Annual Report marks the end of my first year as the Review Officer. It is with great pleasure and pride that I table this Annual Report with the Legislative Assembly of Nova Scotia. There has been a change in the format of the Annual Report to make it more user-friendly and enabling a wider readership. We welcome feedback on this new approach.

This past year has been an exciting beginning. The Review Office team has been very busy processing, investigating, mediating and completing formal Reviews. During the year, the Minister of Justice announced the removal of the \$25 fee to file a Request for Review, a decision encouraged in previous Annual Reports and applauded by our Office. This enables anyone who has made an application for access to information who is dissatisfied with the response they receive, or is unhappy with a delay associated with the processing of their request, to have our Office review that decision at no cost.

As in past years, the ability of our Office to mediate a settlement between applicants and public bodies has been highly successful. Parties are encouraged to participate in mediation. One of our recent Reviews [FI-06-79] discusses the importance of mediation in some detail. Some successful mediation cases are reported in this Annual Report.

The Business and Accountability Plans in recent years, including 2007, have placed greater emphasis on the need to educate the public about the importance of privacy rights and protections. Much work remains to be done, but we are optimistic that in working with all parties in the Legislative Assembly, greater clarity might be achieved to the benefit of all Nova Scotians, including possible legislative amendments to our Act.

Nova Scotia's second Right to Know Week was held in late September this year coinciding with International Right to Know Week. We had events in Halifax, Lunenburg and Wolfville. To coincide with the occasion, we issued a bookmark, which provides details of the mandate of our office. These have been circulated to some of the public libraries in the province including Sheet Harbour and New Glasgow. Our presentation at the Spring Garden Road Memorial Library included Assistant Commissioner Susan Legault of the Office of the Information Commissioner of Canada and Nova Scotia's then Minister of Justice, the Honourable Murray Scott.

The year ahead will present many challenges. One of our major efforts will be participation in Democracy 250, spearheaded by former Premier John Hamm. The purpose of our involvement is to highlight access to information as a foundational feature of any healthy democracy. To that end, we will be finalizing and will be distributing soon, a plain language guide for access and privacy that we hope to make available at Access Nova Scotia offices and public libraries as reference materials.

Respectfully,
Dulcie McCallum
Freedom of Information and Protection of Privacy Review Officer,
Province of Nova Scotia

It is our intention to submit a brief before the new Minister of Justice, the Honourable Cecil Clarke, early in 2008 that will suggest ways to maximize privacy protection for all personal information held by Public Bodies in Nova Scotia.

Business Plan Summary

A government that is open and democratic creates a milieu in which people and businesses flourish. Businesses, large and small, will feel welcomed when they have access to the necessary government information, when they need it. Whether it is a business or a recipient of a public service, people in today's global market must have the necessary information available to them.

In order for services to be accessible to all Nova Scotians, there must be a climate of transparency, honesty and integrity. It is the business of the Review Officer to monitor, review and report on access and privacy issues to the Legislative Assembly. Clearly, by fulfilling the FOIPOP mandate and encouraging public bodies to embrace accessibility with appropriate privacy protections, government's goals of economic and personal/family well-being will be enhanced.

Enabling and facilitating ease of access means value added to a competitive business environment and will put Nova Scotia on the map as a place that is business-friendly and a leader in information technology. At the same time, growing concerns around security and breach of privacy mean that citizens, government and businesses should receive guidance to improve awareness as to what safeguards need to be in place in this technological age.

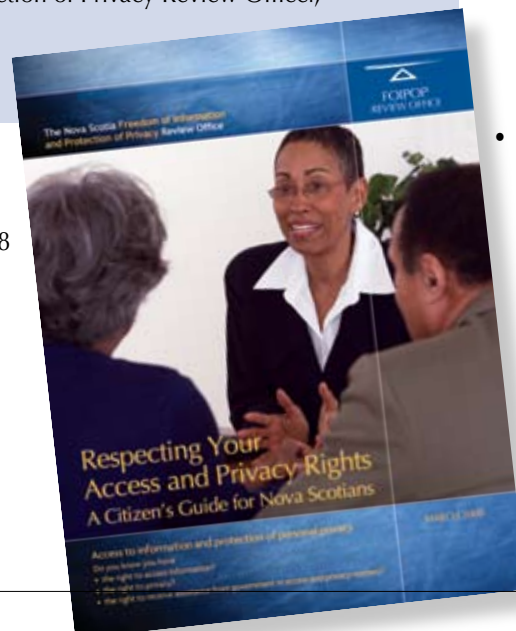
Core Business Areas

- Ensure Nova Scotians' privacy complaints are addressed in a systematic, objective and independent manner.
- Increase awareness, understanding and education of the purpose of access and privacy legislation.
- Create and promote best practices in the Request for Review process.

Priorities

- Publicly clarify privacy rights for all Nova Scotians as falling under the mandate of the Review Officer.
- Increase public consultation.
- Conduct an office reorganization and position reclassifications, giving particular attention to ensuring the proper classification of staff.
- Develop staff training plans including training on privacy issues.
- Advocate for the spirit and intention provided by the statutes including increasing the awareness of citizens and public servants of their rights and obligations under these statutes.
- Develop and implement a public outreach plan to enhance the profile and accessibility of the Review Office especially in rural Nova Scotia and with groups that represent the diversity of the Nova Scotia public.

The plain language guide for access and privacy, soon to be available at Access Nova Scotia offices and public libraries.



2007 Applications and Reviews

Public Body Applications Reviews

PROVINCIAL ACT

Government Departments/Agencies/Boards and Commissions

Agriculture	6	1
Fisheries and Aquaculture	1	0
Communications Nova Scotia	1	0
Community Services	180	7
Economic Development	13	2
Education	16	1
Environment & Labour (includes Alcohol and Gaming Authority, Fire Marshal, Occupational Health and Safety)	273	11
Executive Council	6	1
Finance	25	0
Halifax-Dartmouth Bridge Commission	1	0
Health	65	2
Health Promotion and Protection	11	0
Human Rights Commission	1	1
Immigration	10	0
Intergovernmental Affairs	3	0
Justice	50	6
Natural Resources	22	1
Nova Scotia Business Inc.	9	1
Nova Scotia Gaming Corporation	1	1
Nova Scotia Legal Aid	1	0
Nova Scotia Film Board	1	0
Nova Scotia Liquor Corporation	1	0
Nova Scotia Public Service LTD Plan	NR	1
Office of the Police Complaints Commissioner	2	0
Premier's Office	13	0
Public Service Commission	9	0
Public Prosecution Service	10	1
Service Nova Scotia and Municipal Relations	43	1
Tourism, Culture and Heritage	6	1
Trade Centre Ltd.	1	0
Transportation and Public Works	14	0
Treasury and Policy Board	7	0
Utility and Review Board	2	0
Workers' Compensation Board	NR	1

Universities/School Boards

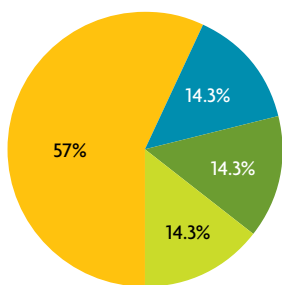
Acadia University	5	1
Annapolis Valley Regional School Board	0	1
Chignecto-Central Regional School Board	2	0
Dalhousie University	8	3
Halifax Regional School Board	6	4
Mount Saint Vincent University	6	0
Nova Scotia Agricultural College	1	0
Nova Scotia College of Art and Design	1	0
Tri-County School Board	1	0
Cape Breton University	4	0
University of King's College	2	0

District Health Authorities

Cape Breton District Health Authority	1	1
Capital District Health Authority	16	2
Cumberland Health Authority	3	0
Guysborough Antigonish Strait Health Authority	2	1
IWK Health Centre	4	0
South West Health	4	0

DEEMED REFUSALS

Total of 7 reviews requested



- Environment and Labour
- Human Rights Commission
- Town of Parrsboro
- South West Shore Development Authority

Public Body Applications Reviews

MUNICIPAL ACT

Commissions/Municipalities/Towns

Cape Breton Regional Municipality	2	1
Halifax Regional Municipality	NR	3
Municipality of the County of Annapolis	2	0
Municipality of the District of Argyle	NR	0
Municipality of the District of Barrington	3	0
Municipality of the County of Kings	1	0
Municipality of the County of Pictou	1	0
Municipality of the District of Digby	1	0
Municipality of the District of Hants East	NR	0
Municipality of the District of Lunenburg	2	2
Municipality of the District of Shelburne	NR	0
Municipality of the District of Hants West	2	1
Municipality of the District of Yarmouth	2	0
Town of Amherst	1	0
Town of Kentville	1	1
Town of New Glasgow	1	1
Town of Parrsboro	1	2
Town of Shelburne	1	0
Town of Springhill	NR	0
Town of Trenton	11	0
Town of Truro	8	0
Town of Westville	NR	0

Police

Cape Breton Regional Police	NR	0
Halifax Regional Police	NR	3
Kentville Police	1	0
New Glasgow	NR	0
Springhill Police	NR	0
Stellarton Police	1	0
Trenton Police	NR	0
Truro Police	NR	0
Westville Police	NR	0

NR = No Response to request for statistics, as of February 6, 2008

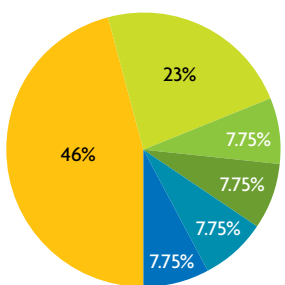
We also had Requests for Review for the following:

- Atlantic Lottery Corporation (1)
- Children's Aid Society of Inverness-Richmond (3)
- South West Shore Development Authority (1)
- Nova Scotia Association of Health Organizations (1)
- Sydney Tar Ponds Agency (2)

Note: Only those public bodies that had statistics to report have been included in this table.

TIME EXTENSION REQUESTS

Total of 13 requests



- Tourism, Culture and Heritage
- Economic Development
- Guysborough Antigonish Strait Health Authority
- Community Services
- Immigration
- Nova Scotia Gaming Corporation

Time Extension Complaints

Within the first 60 days	3
After 60 days	0

Note: This is our first year tracking Time Extension Complaints as a separate statistic.

Mediation Summaries

In Camera Meetings

An Applicant asked a Public Body for a copy of unaltered tapes of all meetings where s/he was discussed. The Public Body provided copies of minutes for the responsive meetings and indicated to the Applicant that some concerns were discussed in camera and therefore were not recorded in the meeting minutes.

The Review Office requested the tapes of the in camera meetings and had them professionally transcribed. The Public Body was asked to review the tapes and determine if additional disclosure was possible. The Mediator discussed the process with the Applicant and provided additional insight into the exemption.

The Public Body released additional information from the transcript withholding the arguments for a particular action or inaction. The remainder of the transcript was released and the matter was settled.

Public Interest Fee Waiver

An Applicant asked a Public Body for copies of investigation reports and press releases regarding a certain matter. The Public Body informed the Applicant that a fee of \$534 would be charged for locating, retrieving, producing, preparing, providing a copy of the records and shipping and handling. The Applicant requested a Review of the fee estimate.

The Mediator asked the Public Body to consider waiving the fee in light of public interest especially considering recent media reports from other jurisdictions regarding the same matter. The Public Body agreed to eliminate the fee and all parties were satisfied.

Legal Fees

An Applicant asked a Public Body for the names of legal firms hired, the amounts billed by each firm and the number of hours devoted by each firm pertaining to a specific case. The Public Body refused to release the requested information citing solicitor-client privilege.

The Mediator discussed the interests of all parties. As a result of mediation, the annual legal cost for the case and the names of the legal firms were disclosed. All parties were satisfied with this resolution.

Early Resolution Summaries

Personal Information of an Applicant

An Applicant requested personal information from a Public Body relating to an incident in which s/he was involved. The Public Body severed the personal information that belonged to Third Parties and the Applicant appealed this decision. During the Intake stage, the Record was reviewed by the Case Review Analyst who was satisfied that the majority of the information did belong to Third Parties. However, two pages that appeared to belong to the Applicant were also severed. The information was CPIC information about the Applicant, which the Public Body agreed to release and the file was successfully resolved.

Fee Estimate

An Applicant filed a Request for Review of a fee estimate provided by the Public Body. The Intake/Administrative Assistant was able to identify a lack of communication between the Applicant and the Public Body. In bringing the two sides together, the Review Office assisted the Applicant and Public Body to reduce the volume of responsive records, thus reducing the fee estimate. The Applicant was satisfied with the reduced fee estimate and the file was successfully resolved.

Format of a Record

An Applicant requested access to a Record in a certain format. The Public Body had provided it in a different format and the Applicant filed a Request for Review. Although the Public Body did not have the information in the requested format, providing the information in the requested format required only a slight calculation and very little time or effort on the part of the Public Body. After liaising with the Case Review Analyst, the Public Body agreed to release the information in the requested format and the file was successfully resolved.

By invitation of Dulcie McCallum, Review Officer

Right to Know Coalition of Nova Scotia

Guest article by Darce Fardy, President, Right to Know Coalition of Nova Scotia

The Right to Know Coalition of Nova Scotia was founded in February 2006 by a group of citizens interested in promoting open and accountable government in this province. The mandate of this non-profit organization is to encourage, through advocacy and education, the use and development of the Freedom of Information legislation in order to foster a better informed and more politically active electorate in Nova Scotia and to improve the quality of public and private decision making in the province.

Since that time, RTKNS has held two successful public forums. Its president, the former Review Officer, has spoken at information sessions in most parts of the province and has received dozens of requests from citizens for advice and support.

The most significant achievement of RTKNS in 2007 was a decision of the Supreme Court of Nova Scotia to accept our application to intervene in a legal action concerning the South West Regional Development Authority. The Authority opposed the Coalition's application arguing that RTKNS had "no direct interest" in the matter before the court. Justice A. David MacAdam did not agree with the Authority. Justice MacAdam said the Coalition would bring the perspective of a body "directly interested in the public interest issues it raises" and described RTKNS as "an organization which is genuinely interested in the issues" before the court.

The matter raised by the case, which was of particular interest to the Coalition, was the Authority's assertion that it was not subject to the province's Freedom of Information legislation. The Review Officer found that the South West Regional Development Authority is subject to Nova Scotia's Freedom of Information legislation. The Authority chose to go to court to argue otherwise.

At the time of preparing this contribution to the Annual Report no date had been set to hear the case.

Review Report Summaries

FI-06-71(M) Police Records

An Applicant asked for a Review of whether the Halifax Regional Police had failed to disclose information about the Applicant in response to his request. The records sought were in relation to an investigation which involved the Applicant. The Applicant was seeking access to only personal information about himself/herself and not about any other person or Third Party.

The Police disclosed a severed version of the Record to the Applicant. In their decision letter, the Police cited several sections of the statute, but provided no explanation or reasons for withholding the information.

The Review Officer considered whether the Police had met the burden of proof to justify the denial of access to the Applicant's personal information and whether the exemptions cited supported their decision to deny the severed information.

The Review Officer recommended that the Police revisit this Application and exercise its discretion giving due consideration to releasing additional information.

In order to assist the Police, the Review Officer's first recommendation provided a severed copy of the Record to demonstrate how the information could be appropriately severed.

The second recommendation advised the Police to provide the Applicant with specifics as to why the information being withheld in full could not be released.

The Halifax Regional Police did not accept the Review Officer's recommendations.

FI-06-79 Personal Information on Videotape

An Applicant requested a Review of the decision by the Department of Justice not to provide a copy of a videotape showing the Applicant being tasered by correctional workers. Justice stated it had never disclosed a videotape, or provided a screening of correctional facility tapes because of the related property security, law enforcement and health and safety issues.

Justice provided the Applicant with a transcript of the audio portion of the videotape during mediation. There was a material error in the transcription and when it was corrected, Justice apologized for this mistake.

The Review Officer discussed at length the confidentiality of the mediation process. Neither party objected to reference to the transcription in this Review despite it being a part of the mediation process.

The Review Officer found that Justice had failed to exercise its discretion, had inappropriately relied on particular

exemptions, had not provided any evidence to support the use of the discretionary exemptions and had filed late exemptions with the Review Officer, without explanation.

The Review Officer recommended that Justice reconsider its initial decision and exercise its discretion appropriately in granting access to the Applicant's personal information by either providing the Applicant with a copy of the videotape or a professional transcript of the videotape. Justice did not accept this recommendation.

Justice accepted the Review Officer's other recommendations: to develop written policies on the use of video surveillance including how tapes are stored and cross referenced; to develop a policy on the release of tapes; to review procedures with Corrections on how to accurately and completely respond to an access request; to provide reasons for the delay in claiming late exemptions.

FI-07-27 Personal Information

An Applicant requested a copy of his/her personal information contained in a report in the custody of the Inverness-Richmond Children's Aid Society. The Society subsequently notified all Third Parties requesting their permission to release the portion of the Record containing the Third Parties' respective personal information. After considerable delay, the Society ultimately refused access to the Record.

The Society advanced the position that the Record contained the personal information of Third Parties, was supplied in confidence and therefore should be withheld. The Applicant filed a Review Request and submitted that s/he was seeking access to his/her personal information and not any Third Party information.

The Review Officer recommended that the Society provide a copy of the Record severing identifying information of all non-consenting Third Parties or provide a summary of information. The Review Officer also made the following recommendations: that the Society engage in access and privacy training and that the Society apologize to the Applicant for the inordinate delay in processing this access request.

The Inverness-Richmond Children's Aid Society agreed to provide the Applicant with a summary of the Record and to use the Form 1 found on the Review Office's website. The Children's Aid Society did not accept any of the Review Officer's other recommendations.

Court Case Summaries

Griffiths v. Nova Scotia (Education), 2007 NSSC 178

The appellant, a member and business representative of the International Brotherhood of Electrical Workers, Local 625, requested from the respondent, the Nova Scotia Department of Education, a list of persons in possession of certificates of qualification and certificates of apprenticeship in the construction electrical trade in Nova Scotia.

The Department refused the request stating that the request concerned the release of personal information. The appellant requested a review by the Review Officer who recommended disclosure of the names of current certificate holders, holding that the information requested related to a discretionary license or certificate and should therefore be disclosed. The Department declined to follow the recommendation, maintaining that disclosure of the list would be an unreasonable invasion of third-party personal privacy.

The appellant appealed that decision to the Supreme Court of Nova Scotia. The issue was whether information in question is personal information and, if so, whether it should be released to the applicant.

Justice LeBlanc identified four steps in determining whether the information should be released. The first being to decide if the information requested is "personal information". Justice LeBlanc was satisfied that the list of names requested constitutes personal information, that being the individuals' names. Second, if the information is "personal information", does the information fall under part of the section that permits disclosure? Justice LeBlanc was of the opinion that the certificates in question are not licenses or discretionary benefits. Only where the individual holds a certificate granted by the exercise of discretion could the name be disclosed under the discretionary benefit exemption. Third, would disclosure be a presumptive unreasonable invasion of privacy if the list could be used for solicitation? The information requested does not contain telephone numbers or address and does not appear to provide a basis for solicitation, therefore Justice LeBlanc was not satisfied this was the intended purpose of the request. Finally, would disclosure constitute an unreasonable invasion of third-party privacy? Justice LeBlanc was unable to agree that releasing the names would be an unreasonable invasion of privacy because the names were not supplied in confidence. Graduates' lists are found in public records, such as newspapers.

The Department was directed to release the requested information.

Accomplishments

Highlighting the 2007 Accountability Report

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

Tracking of general inquiries regarding access and privacy began in 2006. The FOIPOP Review Office received 393 inquiries, and 83% were from the general public.

In 2006 the intake process was streamlined resulting 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 regard 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 substantiated. The Review Officer plans to continue to seek changes to the legislation with regard 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 Intake/Administrative Assistant position was developed to be submitted to the Public Service Commission in 2007 and the position was filled in September 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.

2007 Budget

Category	Expenditures*	
	2007	2006
Salaries and Benefits**	197,139	94,529
Travel	10,725	1,968
Professional/Special Services	3,561	30,788
Supplies and Services	6,307	9,288
Other	27,947	24,712
Total Budget Spent	245,679	161,285
Total Budget	383,000	256,000
Percent of Budget Spent	64	63

* Budget reporting is on a fiscal year basis from April 1 to March 31, while the above-noted expenditures are from April to December.

** Salaries and Benefits for 2006 did not reflect a Review Officer's salary or a full time Intake/Administrative Assistant while those for 2007 reflect the addition of two full time employees – a Review Officer and an Intake/Administrative Assistant.



NEW LEGISLATION Reporting Gunshot Wounds – Finding the Balance

In August 2007, the Department of Justice requested our input into a proposal advanced by the police in Nova Scotia regarding mandatory reporting of injuries in some circumstances. Included with that request was a Discussion Paper that attempted to provide an overview of all of the issues raised and outlined the arguments in favour of and against this kind of legislation.

The central question that one needs to ask in deciding whether to pursue legislation that will impose a statutory duty on health care professionals to report police gunshot and stab wounds is this – is there a sufficiently compelling public interest at stake that outweighs

any private interest in personal health care confidentiality? The one area in which people have a strong expectation of privacy is in health care. The Freedom of Information and Protection of Privacy Act provides that disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if the information disclosed relates to medical, psychiatric, psychological or other health-care history, diagnosis, condition, treatment or evaluation. This presumption is overridden if there is a compelling health or safety reason or a statute authorizing disclosure.

The submission to Justice highlighted

some of the important issues to consider:

- harmonizing the practice between many professionals to avoid discrepancies in practice in these circumstances
 - enabling early investigation by police
 - acting to prevent violence against women and children
 - other similar situations involving public health where information is shared
 - preventing the unauthorized collection, use or disclosure of personal information
 - providing clarity in the law that such sharing of information is either allowed or not
- Government providing specificity by regulation as to who can share what and when
 - providing legal protection for those sharing the information.
- Bill 10 entitled *Gunshot and Stab Wounds Mandatory Reporting Act* was introduced and given first reading on November 23, 2007. After some debate and amendments, the Bill entitled *An Act Respecting the Mandatory Reporting of Gunshot Wounds* [removing any reference to Stab Wounds] was given Royal Assent on December 13, 2007.

Duty to Assist

The following excerpt from Dulcie McCallum's article is reproduced here with the permission of the Nova Scotia Policy Review:

Wrapped up in the discrimination prohibition and the right to equality is the duty to accommodate. In providing a public service, government is required to accommodate for difference to the point of undue hardship.

Equally important, the statute imposes a duty to assist when it uses the word "shall". This wording makes it patently clear to those working within government that the onus rests upon them to make the right of access meaningful for all citizens, residents, immigrants, and people doing business in Nova Scotia.

But in the context of access to information process, marrying these two duties is an important first step. When the access-to-information duty to assist is coupled with the constitutional/human rights duty to accommodate, what might that look like in particular circumstances?

It is important for government at all levels throughout the province to appreciate their role in ensuring equal access for everyone and to gain an appreciation of what accommodation might look like in particular situations. Gaining access to information, participating in discussions and debates and thereby enjoying the guaranteed purpose under the freedom of information and protection of privacy legislation – this is just the first step towards ensuring real equality for all Nova Scotians and to achieve the goal of participatory democracy.

Discretion

Merriam-Webster dictionary defines discretion as the ability to make responsible decisions, individual choice or judgment, and the power of free decision or latitude of choice within certain legal bounds.

The Office of the Information Commissioner of Canada provides the following list as some factors that must generally be considered when exercising discretion. These include: the general purpose of the legislation; the wording of the discretionary exemption and the interests which the exemption attempts to protect; whether the applicant's request could be satisfied by severing the records and by providing the requester with as much information as reasonably practicable; the historical

practice of the institution with respect to the release of similar types of records; the age of the record; the public interest in disclosing the record; and the availability of the information (where the information requested is already available elsewhere to the public, there may be need for an exception under this exemption).

Further, in recognition of this principle, the discretionary exceptions require the head of a government institution to determine whether harm is likely to result from release of information that falls within the exemption. If no harm is apparent, a government institution should release the information in keeping with the spirit and intent of the Act.

Special thanks to

- The Honourable Murray Scott, then Minister of Justice, for attending the public forum at the Spring Garden Road Memorial Library during Right to Know Week 2007
- Suzanne Legault, Assistant Commissioner, Office of the Information Commissioner of Canada, from Ottawa, for participating in Right to Know Week in Halifax
- The Federal, Provincial and Territorial Privacy and Access to Information Commissioners and Ombudsman for their guidance and support during the first year of my term
- Dwight Bishop, Ombudsman, for acting as the Review Officer until February 2007
- Darce Fardy, former Freedom of Information and Protection of Privacy Review Officer, for his leadership as the first Review Officer and his participation in Right to Know Week 2007
- Bethany Butler, Dalhousie School of Information Management student, for assisting in preparing the first draft of the plain language guide to access and privacy
- The Freedom of Information and Protection of Privacy Review Office team

Out and About Where we were in 2007

February

8th Annual Privacy and Security Conference, Victoria, BC

March

Office of the Privacy Commissioner of Canada's Annual Privacy Investigators Conference, Winnipeg, MB
CUPE Human Rights Conference, Halifax, NS – speech given by Dulcie McCallum: *Are unions actually promoters and protectors of human rights?*

April

Canadian Bar Association Meet and Greet with the new Review Officer – presentation by Dulcie McCallum
Women's Institute Port Bickerton and Sherbrooke – presentation by Dulcie McCallum: *FOIPOP – Access and Privacy*

May

Meeting with Federal Privacy Commissioner of Canada and Federal Information Commissioner of Canada, Ottawa, ON

Newfoundland and Labrador Access and Privacy Workshop, St. John's, NL

Forum of Canadian Ombudsman Biennial Conference, Montreal, QC – presentation by Dulcie McCallum: *Apology – The Larger Context*

June

Atlantic Access and Privacy Workshop, Halifax, NS – participation in Commissioners' Panel by Dulcie McCallum

Access and Privacy Conference, Edmonton, AB – participation in panel discussion by Dulcie McCallum
20th Anniversary Conference of the Halifax Chapter of the Association of Records Managers and Administrators, Halifax, NS

Canadian Information and Privacy Commissioners' Annual Meeting, Fredericton, NB

Right to Learn Symposium, Halifax, NS

September

29th International Conference of Data Protection and Privacy Commissioners, Montreal, QC

October

Nova Scotia Association for Community Living in partnership with the Disabled Persons Commission and People First Nova Scotia Forum "Deinstitutionalization – How to Make it Happen"; Dulcie McCallum, resource person

Right to Know Week 2007 presentations and events:

- South Shore Library, Lunenburg, NS
- Spring Garden Rd. Memorial Public Library, Halifax, NS
- Right to Know Coalition of Nova Scotia forum, Halifax, NS – participation by Dulcie McCallum
- Wolfville Library, Wolfville, NS

November

Canada Health InfoWay Privacy Forum, Toronto, ON

Monitored Opening of the Legislature ceremony – by invitation of Speaker Honorable Alfie MacLeod to Dulcie McCallum

December

Lieutenant Governor's Christmas party, Halifax, NS – by invitation to Dulcie McCallum

Committee Memberships

- Association of Records Managers and Administrators (ARMA)
- Atlantic Access & Privacy Workshop Steering Committee
- Education and Training Working Group (FOIPOP Coordinator's Office)
- FOIPOP Interdepartmental Steering Committee
- GoverNEXT Steering Committee
- Healthy Workplace Initiative Committee
- Canadian Association of Professional Access and Privacy Administrators (CAPAPA)

Review Office Training

Cultural Competence
Diversity and Employment Equity
Freedom of Information and Privacy Protection
French – Beginner 1, 3 and 4
Information Access and Protection of Privacy Program
Introduction to Financial Accounting I
Leading Through Difficulty
Leading a Respectful Workplace
Legal Research on the Internet
Media Training
Microsoft Access II
Microsoft FrontPage I
Microsoft FrontPage II
Powerful Communication Skills
Records Management I
Sign Language Survival Workshop
STAR 6.0 Orientation