



**Freedom of Information and Protection of Privacy
Review Office**

Business Plan 2007-2008

Final Draft
March 1, 2007

TABLE OF CONTENTS

| | |
|---|----|
| Message from the Review Officer..... | 3 |
| Mission..... | 4 |
| Link to the Corporate Path | 4 |
| Planning Context..... | 4 |
| Strategic Goals, Core Business Areas, Priorities and Performance Measures | 4 |
| Human Resource Strategy | 10 |
| Budget Context..... | 10 |
| Appendix..... | 11 |

Freedom of Information and Protection of Privacy Review Office

Message from the Freedom of Information and Protection of Privacy Review Officer

Ms. Dulcie McCallum

I am pleased to present my first Business Plan on behalf of the Freedom of Information and Protection of Privacy Review (FOIPOP) Review Office for 2007 - 2008. In providing this Plan for the Review Office, I would like to emphasize two key points. First, it is important to be mindful of the FOIPOP Review Office's role as an independent oversight body for access and privacy issues affecting Nova Scotians. Secondly, the Review Office is committed to a non-combative approach to its work including pursuing early resolutions to access review requests and privacy complaints. With these two principles in mind, I submit the Review Office Business Plan which attempts to demonstrate the way in which the work of our Office aligns with the Corporate Plan directive set by the Province, where and when appropriate. The Business Plan also illustrates that the Review Office is committed to maintaining a balanced budget and being fiscally responsible while meeting its work commitments.

The directions and priorities articulated by the Province include:

- Winning conditions for a competitive business climate and workforce
- Seizing new economic opportunities by becoming a leader in information technology including as an enabler of innovation
- Building for individuals, families and communities by promoting healthy active citizens, accessible services and safe and vibrant communities

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 government information they need, when they need it. Whether it a business or a recipient of a public service, in today's global market, people 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 Office 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, means that citizens, government and business should receive guidance to improve awareness as to what safeguards need to be in place in this technological age. During the 2007 - 2008 fiscal year, the Review Office will give heightened attention to privacy matters raised under both governing statutes. This will include investigating privacy complaints, increasing public

outreach and education on privacy issues, and refining the Review Office's policies and procedures on privacy.

This attention to privacy, along with a potential reduction in application fees, could result in additional work for the Review Office. As we are committed to fiscal accountability, the budget will be monitored closely.

This Business Plan has been prepared in keeping with our legislative mandate under s. 32(1) of the *Freedom of Information and Protection of Privacy Act* and s. 487(1) Part XX of the *Municipal Government Act*.

Respectfully submitted

Dulcie McCallum
Freedom of Information and Protection of Privacy Review Office

Mission

To provide independent oversight over 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.

Link to Corporate Path

The Review Office is contributing to the overall Corporate Path direction and priorities within the context of fiscal sustainability and a balanced budget. Specifically, the Review Office is working to achieve a globally competitive and healthy workforce; lead in privacy research and innovative guidelines; and provide accessible services for all Nova Scotians.

Planning Context

The Review Officer, appointed by the Governor in Council under the authority of the *Freedom of Information and Protection of Privacy Act*, administers the *Freedom of Information and Protection of Privacy Act* and Part XX of the *Municipal Government Act*. The Review Officer, at the request of applicants, reviews decisions made by government and public bodies in response to applications for access to records and correction of personal information in the custody or under the control of those bodies. The Review Officer also investigates privacy issues related to the Acts. The Review Officer employs informal resolution such as analysis, investigation, and mediation, or may confirm the decision of the government or public body and, where applicable, make recommendations for the decision to be adjusted or changed. An additional function of the Review Office is to be a proactive educational leader in the areas of access and privacy.

The Nova Scotia Freedom of Information and Protection of Privacy Review Office (Review Office) currently employs four people and has one office in Halifax. 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. It is expected that the office environment will stabilize and be augmented with the hiring of a permanent full-time Intake/Administrative Assistant position during the 2007-2008 fiscal year. In addition to a new full-time position, reorganization of the office structure, human resource needs, including reclassification of positions, will be a priority.

Strategic Goals, Core Business Areas, Priorities and Performance Measures

Strategic Goals

In accomplishing its mission, the Freedom of Information and Protection of Privacy Review Office contributes to the Government's priority of providing accessible, transparent, responsible and accountable government. In order to accomplish its mission, the goals of the Freedom of Information and Protection of Privacy Review Office 2007-2008 are:

1. To formally recognize the investigation of privacy complaints under the *Freedom of Information and Protection of Privacy Act* and under Sections 483 - 486 of Part XX of the

Municipal Government Act falling with the Review Officer's mandate and to undertake the required public education process with respect to protection of privacy.

2. Increased public awareness, access 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 Office, including public outreach to specifically address the lack of diversity in the applications received by the Office.

3. To promote systematic change by researching best practices, evaluating current policies and procedures, networking with other oversight bodies and developing new tools and resources which support the Review Office's mandate and also by addressing broader access and privacy issues.

Core Business Areas

1. Privacy Complaints

Ensure Nova Scotian privacy complaints are addressed in a systematic, objective and independent manner through:

- Establishing best practices during the intake, analysis, investigation, mediation and formal reviews of privacy complaints.
- Recommending ways to improve privacy protection for all Nova Scotians through public and private reports.
- Providing follow-up to determine if recommendations were adopted.
- Proactively addressing privacy concerns through workshops, guidelines and other forms of outreach with public bodies and the general public.

2. Awareness and Education

Increase awareness, understanding and education of the *Freedom of Information and Protection of Privacy Act* and Part XX of the *Municipal Government Act*. Enhance the development of our communication strategy, mandate of the Review Office and increase citizens' accessibility to information and privacy through:

- Developing and maintaining links with public bodies such as continued participation on the Interdepartmental FOIPOP Steering Committee.
- Providing orientation to new FOIPOP Administrators on the role and responsibilities of the Review Office and on the review process.
- Undertaking communication initiatives to increase the profile of the Review Office and of privacy and access rights, such as continued promotion of and participation in the Atlantic Access and Privacy Conference.
- Creating public outreach programs for citizens, interest groups and organizations on access and privacy issues.
- Improving the accessibility of review decisions/reports by continuing publication on the Review Office Website, CanLii, Quicklaw and Listserv.

3. Best Practices

Create and promote best practices in the review process through:

- Maintaining an independent, timely and well-resourced review process.
- Networking with Information and Privacy Commissioner Offices to find new tools and methods of review, including supporting the creation of an Atlantic Canada regional office for the federal Office of the Privacy Commissioner.
- Evaluating and auditing current practices.
- Participating in conferences with our provincial and federal counterparts.
- Conducting a legislative audit to determine if any changes to the statutes should be recommended to the Minister of Justice given the rapid changes in the areas of privacy, technology and security.

Priorities

1. Privacy Complaints

Our priorities for 2007-2008 are as follows:

- Publicly clarifying privacy rights for all Nova Scotians as falling under the mandate of the Review Office.
- Increasing public consultation and focus on privacy issues.
- Conducting an office reorganization and position reclassifications, giving particular attention to ensuring the proper classification of staff.
- Developing staff training plans including training on privacy issues.

2. Awareness and Education

Our priorities in 2007-2008 are as follows:

- Advocating 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.
- Developing and implementing 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.
- Continue participation on the Interdepartmental FOIPOP Steering Committee, promoting a cooperative environment.
- Co-hosting the Annual Atlantic Access and Privacy Workshop in June, and the national and provincial *Right to Know Week*.

3. Best Practices

Our priorities in 2007-2008 are as follows:

- Networking with other Information and Privacy Commissioners through increased participation in national workshops, conferences and seminars.
- Working towards a University of Alberta Information Access and Protection of Privacy certificate for all staff.
- Evaluating current practices and research review practices in other jurisdictions and conducting an internal self-audit.

Performance Measures

| PRIVACY COMPLAINTS | | | | | |
|--|--|--|--|---|---|
| Outcome | Measure | Base Calendar Year | Target : 2007/2008 | Ultimate Target | Strategic Actions |
| Promoting the Review Officer as the oversight for privacy complaints | Increased number of privacy inquires and investigations and reviews | 2006 5 privacy complaints opened, 1 not opened due to lack of cooperation from public body | 100% of privacy investigations within jurisdiction are opened. | 100% of privacy investigations within jurisdiction are opened. | Publicly clarifying privacy rights under the jurisdiction of the Review Office for all Nova Scotians |
| Systematic, efficient and effective privacy investigation process | Develop processes and procedures to measure the timeliness of privacy investigations | New target | Gather and report on statistics on the number of days it takes to conclude a privacy investigation. Analyze information to determine effectiveness of current processes. | Develop and maintain an acceptable standard in which to conclude privacy investigations effectively and efficiently. Ensure that the Review Office has adequate human resources to meet the standard. | Monitor response times by public bodies and privacy review timelines Commence an organizational review and reclassification process with priority to confirming a full-time Administrative /Intake Assistant |

| AWARENESS AND EDUCATION | | | | | |
|---|---|---|--|--|---|
| Outcome | Measure | Base Calendar Year | Target : 2007/2008 | Ultimate Target | Strategic Actions |
| Increased awareness of the right to access information and protection of privacy. | Increase in the number of individuals receiving information and training on the role of the Office and governing legislation. | Base calendar year 2004 - 8 2005 - 13 2006 - 10 | 2007 - increase in the number of presentations and information sessions by 20% over 2006 2008 - increase the number of presentations and information sessions by 20% over 2007. | Maximize percentage of Nova Scotians having an opportunity to participate in public outreach programs. | Developing and implementing an Educational outreach program accessible to all Nova Scotians . Provide staff with training opportunities in French, cultural competency and dealing with difficult individuals. Co-host Right to Know Week and the Atlantic Access and Privacy Workshop. |

| BEST PRACTICES | | | | | |
|---|---|---------------------------|--|---|--|
| Outcome | Measure | Base Calendar Year | Target : 2007/2008 | Ultimate Target | Strategic Actions |
| Evaluate and audit current internal policies and procedures as a first step in creating best practices for the Review Office. | Number of complaints from affected parties regarding unclear or unfair Review Office practices. | New measure | Calendar year 2007 - monitor and record complaints. 2008 - decrease number of complainants regarding the Review Office by 5%. | Ensure that the Review Office creates and maintains best practices. | Develop a database to monitor complaints of unclear/unfair review process. Contribute staff time and resources to auditing and evaluating current practices. Develop a research networking plan to find best practices in other jurisdictions. |

Human Resource Strategy

Office Demographics:

As of March 2007, the Freedom of Information and Protection of Privacy Review Office has a staff of four, one of which has been a casual Intake/Administrative Assistant and has recently been approved as a new FTE fro the Office.

The Office has not reported any occupational health and safety incidents in the past fiscal year.

The Freedom of Information and Protection of Privacy Review Office will work towards the Globally Competitive Workforce goal of the Corporate Path which aligns with the Corporate Human Resource Strategy:

- implement the new permanent full-time Intake/Administrative Assistant position.
- monitor workload especially with regards to privacy investigations to determine if additional investigation/analytical staff are required.
- conduct an organizational review and reclassification of positions to ensure an accurate reflection of staff responsibilities to effectively implement the legislative requirements of the *Acts*.
- provide student-placements on a regular basis through diversity, mentorship, co-op and work placement initiatives.
- continue to participate in healthy workplace initiatives.
- send notification of any positions posted on the Nova Scotia Employment Opportunities website to Diversity organizations.
- continue staff participation in diversity training .
- continue efforts to provide services in English and French through staff French training and using Interpretation Services when needed.
- continue with its practice of encouraging and accommodating staff who enroll in post-secondary programs.

Budget Context

(see attached Appendix 1)

Appendix 1

| | 2006-2007 Estimate (\$ thousands) | 2006-2007 Forecast (\$ thousands) | 2007-2008 Estimate (\$ thousands) |
|--------------------------------|--|--|--|
| Gross Expenses | 256 | 256 | 383 |
| Net Expenses | 256 | 256 | 383 |
| Salaries and Employee Benefits | 128 | 149 | 216 |
| Funded Staff (FTEs) | 2 | 2.8 | 4 |

