



**Freedom of Information and Protection of Privacy  
Review Office  
Dulcie McCallum, Freedom of Information and Protection of Privacy Review  
Officer/Deputy Head**

**Statement of Mandate**

**March 26, 2010**

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

### **Message from the Freedom of Information and Protection of Privacy Review Officer/Deputy Head**

**Dulcie McCallum**

**March 26, 2010**

This Statement of Mandate marks the six-month anniversary of my new appointment as Nova Scotia's first Privacy Review Officer and the third anniversary of my appointment as Nova Scotia's Freedom of Information and Protection of Privacy Review Officer.

Our role as the independent oversight body for decisions made by public bodies with respect to access requests and privacy complaints is now governed by three separate pieces of legislation. The mandate of the Review Officer is set out in the *Freedom of Information and Protection of Privacy Act, Part XX* of the *Municipal Government Act* and the newly proclaimed *Privacy Review Officer Act*. The particulars of the Review Officer's role are comprehensively laid out in a plain language guide for citizens - *Respecting Your Access and Privacy Rights: A Citizen's Guide for Nova Scotians* - to help them further understand access and privacy issues. The *Guide* is available on-line at [www.foipop.ns.ca](http://www.foipop.ns.ca) and through all public libraries, MLA constituency offices and Access Nova Scotia offices.

Over the past three years the Review Office has devoted considerable time to collaborating and working with the Department of Justice to secure privacy protection legislation and we are very pleased that a new statute was introduced into the House of Assembly and has now been proclaimed. The new legislation mandates new responsibilities to the Review Officer on a number of fronts, not the least of which is my role in public education with respect to privacy including my ability to initiate a complaint and consult with a public body at its request.

The Review Office will target public education regarding the new privacy legislative protections in the coming year. Privacy issues continue to emerge and are illuminated by the impact on individual citizens. The Review Office will, in coming months, evaluate how best to address these concerns. Also in the coming year we will continue a collaborative and constructive approach in working with the Departments of Justice and Health as the Province moves forward with new personal health information legislation [*Bill 64*]. Over the course of the next twelve months, as the *Bill* moves forward to Proclamation, we will be evaluating and determining what resources will be required to enable the Review Office to fulfil its new mandates.

For the last year, the Review Office team has enjoyed a full complement of staff. I am very appreciative of the team of Intake, Case Review Analysts and Mediator/Investigator staff at the Review Office for their hard work and dedication to the purposes outlined in our governing

statutes. By enhancing and stabilizing the staffing requirements at the Review Office, the team has been able to give greater attention to the informal resolution of Requests for Review, an approach which has enjoyed considerable success. This priority will continue.

The collaboration with Departments of Justice and Health officials and all Information, Access and Privacy professionals [FOIPOP Administrators] working for public bodies in Nova Scotia and amongst all the other Canadian Commissioners continues to the benefit of everyone's efforts to promote access to information and privacy protection for all citizens.

This Statement of Mandate for 2010-2011 is publicly available and is intended to assist the citizens of Nova Scotia to understand our mandate and the priorities of the Review Office.

Respectfully submitted,

Dulcie McCallum,  
Freedom of Information and Protection of Privacy Review Officer and Privacy Review Officer

Receipt Acknowledged

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Honourable Ross Landry  
Attorney General and Minister of Justice

## **Review Officer Mandate**

To provide independent non-partisan oversight of decisions made by public bodies by receiving Requests for Review under the *Freedom of Information and Protection of Privacy Act, Part XX* of the *Municipal Government Act* and of privacy matters under the *Privacy Review Officer Act* [*“the Acts”*]. Thereafter, the Review Officer investigates the requests/complaints from individuals and/or groups who feel their access to information rights or their privacy rights, as provided for in the governing *Acts*, have not been respected. The Review Officer issues public Reports that include findings and recommendations to provincial, municipal and local public bodies to reaffirm, alter or modify their decisions and to rectify their processes and practices with respect to access to information requests and/or protection of privacy.

## Performance Measures

<b>Requests for Review of Public Body Access Decisions</b>					
Outcome	Measure	Base Calendar Year	Target : 2010-2011	Ultimate Target	Strategic Actions
<p>Educating the public and those working as FOIPOP Administrators on the role of the Review Office and encouraging those parties to apply precedents to the matter at hand thereby expediting the resolution of Requests for Review to better serve the public. Issuing public reports after formal Review that provide guidance with respect to the interpretation of the access legislation.</p>	<p>Increase the number of Review Requests resolved early in the process through informal resolution.</p>	<p><b><u>Informal Resolutions</u></b>            2007 - 9 informal resolutions.            2008 - 28 informal resolutions.            2009 - 64 informal resolutions.            [Represents 51% of all Review files].  <b><u>Public Reports</u></b>            2007 - 6 Review Reports issued.            2008 - 9 Review Reports issued.            2009 - 13 Review Reports issued.</p>	<p>2009 - increase the number of informal resolutions by 5% over 2008.            2010 - increase the number of informal resolutions by 5% over 2009.            2011 - increase the number of informal resolutions by 5% over 2010.</p>	<p>Over half of all Review files closed by informal resolution in 2010 - 2011, resulting in fewer Reviews proceeding to formal Review where there has been a lack of communication or a misunderstanding of the process.</p> <p>Continue to evaluate internal processes and timelines for the Case Review Analysis and Investigation phases of the Review process.</p>	<p>Providing parties with research, precedents, tests, statutory references and definitions early in the process when the issues have been clearly established, so that all parties to the Review can make informed decisions on the likely outcomes and their position on the issue(s) under Review.            Empowering the parties in the Review process to become part of the process and to serve the public in a more timely fashion.</p>

<b>Requests for Review of Privacy Complaints</b>					
<b>Outcome</b>	<b>Measure</b>	<b>Base Calendar Year</b>	<b>Target : 2010/2011</b>	<b>Ultimate Target</b>	<b>Strategic Actions</b>
<p>Educating the public regarding the Privacy Review Office as the statutory oversight body for privacy complaints. Fulfilling the statutory mandate of public education on privacy matters.</p>	<p>Provide comprehensive information to all privacy inquiries and conduct thorough investigations into all Privacy Requests for Review opened.</p>	<p>2006 - 5 privacy complaints were accepted, 1 was not investigated. 89 privacy inquiries received.            2007- 5 privacy complaints were accepted. 49 privacy inquiries received.            2008 - 2 privacy complaints received. 95 privacy inquiries received.            2009 - 8 privacy complaints received. 136 privacy inquiries received.</p>	<p>100% of privacy investigations within our jurisdiction are opened and investigated.</p>	<p>100% of jurisdictional privacy complaints received are opened and investigated. 100% of privacy inquiries are answered at Intake and appropriate referrals made or files opened. Explore ways in which to apply informal resolutions to open privacy complaints.</p>	<p>Fulfilling the statutory mandate to publicly clarify and educate all Nova Scotians regarding privacy rights within the jurisdiction of the Privacy Review Officer.</p>

**Budget Context for FOIPOP Review Office**

	<b>2009-2010 Estimate</b>	<b>2009-2010 Forecast</b>	<b>2010-2011 Estimate</b>
<b>Program &amp; Service Area</b>	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>	<b>(\$ thousands)</b>
<b>Gross Department Expenses</b>			
<b>Administration</b>	<b>\$ 400</b>	<b>\$ 400</b>	<b>\$ 398</b>
<b>Total Gross Departmental Expenses</b>	<b>\$ 400</b>	<b>\$ 400</b>	<b>\$398</b>
<b>Additional Information:</b>			
<b>Fees and Other Charges</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>Ordinary Recoveries</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>TCA Purchase Requirements</b>	<b>---</b>	<b>---</b>	<b>---</b>
<b>Provincial Funded Staff (FTEs)</b>	<b>4.0</b>	<b>5.0</b>	<b>5.0</b>