

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

Business Plan 2006-2007

Final Draft
April 13, 2006

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Freedom of Information and Protection of Privacy Review Office

Message from the Review Officer

This document has been prepared in keeping with our legislative mandate(s) and government priorities under Section 32(1) of the Freedom of Information and Protection of Privacy Act and Section 487(1) Part XX of the Municipal Government Act. This planning cycle focuses on working towards a culture of compliance in cooperation with public bodies and government, increased education, outreach and public access.

A handwritten signature in black ink that reads "Dwight Bishop". The signature is written in a cursive style with a large, looped initial "D" and a long, sweeping tail on the "p".

Dwight Bishop
Acting Review Officer

A. Mission

To facilitate informed public participation by promoting openness and transparency of government and public bodies.

B. 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 Office, 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. On a consensual basis, the Review Officer provides general advice on privacy issues related to the Acts. The Review Officer mediates, 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 a proactive educational component.¹

On January 24, 2006 the Review Officer position became vacant, and an Acting Review Officer was appointed pending the selection and appointment of a Review Officer. In addition to the Review Officer position, the current staff complement consists of: a Case Review Analyst, who is working in a dual role since assuming the responsibilities of the Mediator/Investigator, a position which has been vacant since October 2005; and a casual Intake/Administrative Assistant. Some short term support has been provided by the Office of the Ombudsman. Early in the business cycle, it is expected the office environment will be stabilized and augmented with the hiring of a full-time permanent Mediator/Investigator and ongoing co-operative student placements; in addition to a reorganization of the office structure and human resource needs, including reclassification of positions.

Reviews Opened between January 1, 2005 and December 31, 2005

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Provincial	54	86	102	122	112	111	136	99	53	60	72
Municipal	0	0	0	0	4	14	18	14	14	16	13
Total	54	86	102	122	116	125	154	113	67	76	85

NOTE: Local public bodies such as hospitals, universities and school boards were not subject to the Act before 2001 and municipal bodies were not subject to the Act before 1999.

The Review Office conducted 13 presentations and information sessions.

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

Public Body Applications and Requests for Review

Number of Public Bodies	Applications	Requests for Review
147	1038*	85

* 13 Public bodies did not provide a response on the number of applications received.

Reviews by Type of Information Requested

	General	Personal	Personal/General	Correction
Provincial	46	19	7	0
Municipal	6	6	0	1

Resolution of Files Closed in 2005 (not necessarily opened in 2005)

Resolved by Review Report	Resolved through Mediation	Resolved through Partial Mediation and by Review Report	Abandoned or Withdrawn	Screened Out
34	31	6	3	3

Note: The Review Office closed 77 files in 2005. 13 files opened in 2004 were resolved in 2005 and included in the total. (15 files opened in 2005 have been carried over into 2006)

Conclusions of the Review Officer Where a Report Was Issued

Agree with Public Body	Agree in-part with Public Body	Disagree with Public Body
20	9	5

Public Body Responses to the Review Officer's Recommendations

Recommendations Accepted	Partial Acceptance	Recommendations Rejected	Response Outstanding
29	2	2	1

Reviews Opened by Applicant Group

Media	General Public	Political	Interest Groups	Organizations	Other Public Bodies
7	52	5	0	21	0

Privacy Related Inquiries and Complaints

Total Received	General Inquiries	Investigated
52	36	16

C. 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 2006-2007 are:

1. To promote openness and accountability in government and public bodies by providing an effective mediation, investigation and review process; and provide citizens with adequate protection and privacy for their personal information.

This goal is consistent with, and supports Government priorities by increasing public confidence and accountability of government in the delivery of programs and services.

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.

This goal is consistent with, and supports Government priorities by educating citizens and public bodies on the merits of administrative fairness, transparency and good governance.

3. Work 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, reducing the need of requests for review.

This goal is consistent with, and supports Government priorities by enhancing accountability in the delivery of programs and services and increasing the knowledge of government by reaching out to designated stakeholders.

D. Core Business Areas

1. Investigation, Mediation and Review Processing

Ensure citizens requests for review are addressed in an open, objective and independent manner through:

- referrals, mediation, investigation and reviews
- consultation on privacy protection issues
- recommendations to improve access to information and administrative fairness
- issue public reports

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 citizen's accessibility to information and privacy through:

- Interdepartmental FOIPOP Steering Committee
- presentations/meetings
- committee/organization representation
- training
- website/brochures
- public information sessions
- stakeholder/management review (i.e Provincial and Municipal FOIPOP administrators/co-ordinators)
- publication and accessibility of review decisions/reports

3. Public Administration

Promote openness, transparency and accountability in public sector administration 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

E. Priorities

The priorities set out in this business plan were developed based on a budget allocation of \$256,000. (see schedule 1).

1. Investigation, Mediation and Review Processing

Our priorities for 2006-2007 are as follows;

- Continue to improve/streamline 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.
- Increase consultation and focus on privacy issues.
- Conduct an office reorganization and position reclassifications.
- Develop staff training plans regarding privacy and access issues.

2. Awareness and Education

Our priorities in 2006-2007 are as follow;

- 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.

- Develop and implement a communication plan to enhance the profile and openness of the Review Office.
- Establish and participate on an Interdepartmental FOIPOP Steering Committee.
- Co-host the Annual Atlantic Access and Privacy Workshop in June, and conduct an open house during 'Right to Know Week' in September.

3. *Public Administration*

Our priorities in 2006-2007 are as follows;

- Continue working with government and public bodies towards a culture of compliance with the Acts, reducing the need for review requests and increase in privacy and access requests.
- The Freedom of Information and Protection of Privacy Act warrants consideration during any future legislative changes. We will continue to recommend to the government areas to improve the Freedom of Information and Protection of Privacy Act.

F. Human Resource Strategy

Office Demographics:

As of March 2006, the Freedom of Information and Protection of Privacy Review Office has a staff of three. The competition to fill one permanent vacant position is underway and is expected to be completed early in the business cycle.

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 make the following progress in reaching the goals contained in Nova Scotia's Corporate Human Resources Plan:

1. To make a difference through a skilled committed, and accountable public service.

The Freedom of Information and Protection of Privacy Review Office will 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.

2. To be a Preferred Employer

The Review Office will actively seek to hire students on a regular basis through diversity, mentorship, co-op and work placement initiatives. Such placements also provide Review Office staff with opportunities to gain supervisory and mentoring skills.

3. To be a safe and supportive workplace

The Review Office has designated a staff person who has embraced and oversees the implementation of healthy workplace initiatives, which has been met with full success.

4. To be a diverse workforce

The percentage of self-identified Affirmative Action (permanent) employees within the Freedom of Information and Protection of Privacy Review Office is hoped to be increased in the upcoming years with the hiring of additional staff. All job postings will include the following statement:

Note: The Freedom of Information and Protection of Privacy Review Office values diversity in the workplace and encourages applications from African Nova Scotians and other members of the visible minority community, Aboriginal peoples, persons with disabilities and women. Applicants from these designated groups wishing to self-identify may do so in their cover letter.

We will also send notification of any positions posted on the Nova Scotia Employment Opportunities website to Diversity organizations.

Staff who have not yet taken Affirmative Action and Employment Equity training, and the Aboriginal Perceptions courses will be scheduled for this training in 2006-2007.

The Review Office will continue with it's efforts to provide services in English and French. A contact resource list will be implemented for Interpretation Services available for approximately 22 additional languages.

5. To be a learning organization

The Freedom of Information and Protection of Privacy Review Office believes in creating opportunities for staff development. Staff will continue to submit individual and team training plans in order to address specific training requirements, and meet the current and developing needs of the Office. The Office will also continue with it's practice of encouraging and accommodating staff who enroll in post-secondary programs.

6. Business Continuity Plan

To develop and implement a Business Continuity Plan (BCP) consistent with emergency management measures.

A. Budget Context

(see attached schedule 1)

B. Performance Measures

(see attached template)

Schedule 1

	2005-2006 Estimate (\$ thousands)	2005-2006 Forecast (\$ thousands)	2006-2007 Estimate (\$ thousands)
Gross Expenses	254	243	256
Net Expenses	254	240	256
Salaries and Employee Benefits	128	106	135
Funded Staff (FTEs)	2.0	1.91*	2.0

* Not including the Review Officer Appointment

Strategic Goal: <i>Investigation, Mediation and Review Processing</i>				
OUTCOME (immediate or intermediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
An efficient and effective intake, mediation and review report process.	Timely completion of intake, mediation and review reports.	<p>2003: intake- 26 days mediation - 58 days review report - 34 days</p> <p>2004: intake - 27 days mediation - 52 days review report - 26 days</p> <p>2005: intake - 32 days mediation - 47 days review report - 18 days</p>	<p>2006: intake - 30 days mediation - 52 days review report - 26 days</p> <p>2007- maintain 2006 targets</p>	<p>Improve the current database for more efficient monitoring of response times by public bodies, track decisions on applications for access to information and review requests, and measure the efficiency of the Review Office.</p> <p>Stabilize and augment workforce. Commence an organizational review and reclassification process, enhance job descriptions to accurately reflect current and developing responsibilities, revise performance appraisals, work plans, education and training initiatives initiated in 2005-2006</p> <p>Where feasible, reduce the number of Review Reports by providing well researched opinions rather than formal reviews.</p>

Strategic Goal: <i>Investigation, Mediation and Review Processing</i>				
OUTCOME (immediate or intermediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Increased awareness of the role and mandate of the Review Office.	<p>Increase percentage of mediation, reducing need for review reports.</p> <hr/> <p>Encourage government and public bodies of the need to develop and implement routine access and disclosure policies.</p>	<p>Percentage use of mediation</p> <p>2003 - 51%</p> <p>2004 - 43%</p> <p>2005 - 48%</p>	<p>2006: maintain 2005 percentage</p> <p>2007: increase 2006 target by 5%</p> <p>2008: increase 2007 target by 5%</p>	<p>Educate the public, government officials and public servants on the role and mandate of the Freedom of Information and Protection of Privacy Review Office and legislation.</p> <p>Establish an interdepartmental FOIPOP steering committee to review and develop policy, procedures and training for government and public bodies.</p>

Strategic Goal: *Awareness and Education*

OUTCOME (immediate or inter- mediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Increased awareness of the right to access information and protection of privacy.	<p>Increase in the number of individuals receiving information and training on the role of the Office and relevant legislation.</p> <hr/> <p>To decrease the percentage of applications to public bodies for access to information to, that become requests for review to the Review Office.</p>	<p>2003 - base data not available. 2004 - 8 2005 - 13</p> <hr/> <p>2003 - 9.2% 2004 - 7.2% 2005 - 8.2%*</p> <p>*13 public bodies did not submit yearly stats</p>	<p>2006 - increase in the number of presentations and information sessions in 2005 by 10%</p> <p>2007 - increase the number of presentations and information sessions in 2006 target by 10%</p> <hr/> <p>2006 - maintain the 2005 data (8.2%)</p> <p>2007 - decrease 2006 target by 1%</p>	<ul style="list-style-type: none"> - Enhance the development and implementation of our communication strategy by providing outreach and targeting the public, FOIPOP administrators/co-ordinators, government officials, records management and public bodies on a regular basis over the next 2 years. - Establish an interdepartmental FOIPOP steering committee to review and develop policy, procedures and training. - Distribute revised brochures. - Publish and distribute review reports and communication materials in English and French. - Enhance the website, and monitor the number of visits to the website. - Provide consultation and support to the public and government on privacy related matters.

Strategic Goal: <i>Public Administration</i>				
OUTCOME (immediate or intermediate)	MEASURE	DATA	TARGET	Strategic Actions to achieve target
Promote openness, transparency and accountability public sector administration.	Percentage of review report recommendations accepted in full or in part.	<p>2003 full - 57% in part - 24%</p> <p>2004 full - 56% in part - 13%</p> <p>2005* full - 88% in part - 18%</p> <p>* One response outstanding.</p>	<p>2006 - maintain current percentages</p> <p>2007 - increase 2006 target by 2%</p>	<p>Reduce the need for review requests and review reports issued by participating in consultation with government and public bodies relating to the delivery of programs and services provided, and advocate for a culture of compliance with the Acts.</p> <p>Participate and encourage legislative and policy development and amendments through committees/consultative processes.</p> <p>Advance protection of privacy issues.</p>

