

**THE NOVA SCOTIA FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT**

A REQUEST FOR REVIEW of a decision of the **PREMIER'S OFFICE** with respect to an application for access to documents related to travel by the Chief of Staff.

REVIEW OFFICER: Darce Fardy

REPORT DATE: **March 27, 2002**

ISSUE: Whether an adequate search for relevant documents was carried out; whether the Premier's Office misread the Application.

In a Request for Review, under the **Freedom of Information and Protection of Privacy Act**, dated January 8, 2002, the Applicant asked that I recommend to the Premier's Office that it disclose the documents she is looking for.

The Application asked for:

- a list of expenses relating to the Chief of Staff's trip to Toronto on July 30-31, 2001;
- a list of the names of officials she met with;
- where the meetings were held;
- copies of documents prepared for the Chief of Staff's Toronto meetings; and
- copies of documents produced as a result of the meetings.

The Premier's Office replied that the list of expenses had already been made public. The remaining documents were denied under exemptions found in s.12(1)(a)(i) and s.14(1).

Section 12 (1)(a)(i) gives a public body the discretion to refuse to disclose information if disclosure could reasonably be expected to harm the conduct by the Government of relations with the Federal Government or any of the Provinces.

The Applicant was told that background information prepared for the Office of the Premier regarding the *Campaign for Fairness* and the Annual Premiers' Conference contain sensitive bilateral issues. The Premier's Office also said that it would be premature to disclose advice regarding the *Campaign for Fairness* because it would "impair the Nova Scotia government's ability to advance the province's agenda".

In accordance with s. 38, the Review Office asked for copies of relevant documents to consider in the light of the exemptions cited. I was provided with documents related to the Government's meetings in Victoria, British Columbia during the Premier's conference. Since the Applicant was explicit in confining her request to documents related to a visit to Toronto by the Chief of Staff on her way to the Victoria conference, I noted the documents provided to me were not responsive to the Application. I learned no documents related to the Toronto meetings existed, beyond the expense account.

Some background information may be helpful to give this application some context. The Chief of Staff's schedule became a subject of Question Period in the Legislature. The Premier was asked why his Chief of Staff, having already acquired a through plane ticket to Victoria, purchased a second ticket so she could stop in Toronto on the way. In the Legislature, the opposition raised the matter of the cost of cancelling the "through" ticket (non-refundable but can be used again toward another flight). According to Hansard, the daily written verbatim record of the Legislature, the Premier, in response to an opposition question, told the

Legislature that the Chief of Staff was in Toronto on government business related to the *Campaign for Fairness*. The Applicant is asking for documents related to the Toronto meeting only.

I wrote to the Premier's Office to ask for written confirmation that there were no documents attached to the Toronto meetings. I drew the Premier's Office's attention to the fact the letter of decision to the Applicant indicated such records existed when it cited exemptions for refusing them. I later learned the exemptions applied to the documents prepared for the Victoria meetings. I suggested to the Premier's Office that it amend its letter of decision to the Applicant.

The response I received from the Premier's Office did not address my suggestion that the letter of decision be amended but said I could "(r)est assured the search was thorough for any and all materials."

Conclusions:

I am concerned that the Applicant was not told that there were no records related to the Toronto meetings of the Chief of Staff but, instead, was led to believe there were. I accept the assurance of the Premier's Office that no documents were created with respect to the meetings in Toronto with the exception of the expense claim.

The Application was clear. There was no reference to the Victoria meetings in the list of documents requested. It is unclear why the Premier's Office thought they were relevant.

Dated at Halifax, Nova Scotia, March 27, 2002.

Darce Fardy, Review Officer