

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

A REQUEST FOR REVIEW of a decision of the **DEPARTMENT OF FINANCE** to deny the applicant access to a document with respect to the Minister's visit to Bridgewater in February, 2002.

REVIEW OFFICER: Darce Fardy

REPORT DATE: May 15, 2002

ISSUE: Whether **Section 14(1)** (advice to a public body or minister) supports the Department's decision to deny access to suggested responses to predicted questions prepared for a minister.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act** (FOIPOP), dated March 13, 2002, the Applicant asked that I review a decision by the Department of Finance (the Department) to deny access to a document which it claims is exempt from disclosure because it contains "advice" to a minister.

The Applicant asked for copies of all records prepared by and for the Minister of Finance, government staff and third parties related to the Minister's visit to Bridgewater on February 26 of this year. The Minister was there for a public speech.

The Department, in its letter of decision, said the application was being partially granted. It provided the Applicant with a copy of the Minister's speech, a news release related to the visit, a brochure and a series of financial charts prepared for the speech.

The denied document, which the Department believes is exempt under **s.14(1)**, which allows a public body to deny access to information containing advice to a minister, contains a list of

predicted questions and suggested answers provided to the Minister for his visit. The Department, in a representation to the Review, said that as such, the document contains “advice” to the Minister. The Department also said the document did not contain any “background information” which would have to be disclosed in accordance to s.14(2).

The Applicant was surprised there were so few records related to the preparation for the Minister’s speech and appearance before the media.

Conclusions:

In response to the Applicant’s concern that so few documents exist I asked the Department to confirm that the ones provided to the Applicant and the denied document that was provided to the Review Officer are the only relevant documents in its possession. After a further search, the Department gave the confirmation and I am satisfied an adequate search was carried out.

In other Reviews I have concluded that to meet the exemption under s.14(1), “advice” must relate to a suggested course of action which will ultimately be accepted or rejected by a minister or public body.

I am satisfied that s.14(1) supports the Department’s decision to deny access to the document.

DATED this 15th day of May, 2002 in Halifax, Nova Scotia.

Darce Fardy, Review Officer

