

Nova Scotia Freedom of Information and Protection of Privacy Review Office Report

Request for Review under the *Freedom of Information and Protection of Privacy Act*, to the Department of Justice - Their File JUS-06-049 / Our File FI-06-69

The Applicant filed an application for access to a record. The Application requested “an update from all my former *FOIPOP Act* updates to every provincial government Department/Board/Agency/Commission, at arms length from government or not, and is to include all personal information that has been collected on myself electronic or otherwise.” This application was received by the Department of Justice and transferred to affected public bodies. Requests for personal information updates by this Applicant occur on a regular basis. As such, each public body maintains a file from the Applicant’s last request in order to respond to the most recent.

Having examined the circumstances surrounding this issue, it is my opinion that the majority of the information requested by the Applicant consists of correspondence sent by the Applicant to the public body and correspondence sent by the public body to the Applicant. In these types of situations, the Review Office assumes that individuals maintain their own copies of correspondence sent to or received from a public body. Therefore, this information will not be addressed in this review. Also, any requests for information to be date stamped and returned do not form part of the review. In terms of severance it is my belief that most of the information severed from the record is personal information of third parties as defined under s.3(1) of *FOIPOP*. The personal information severed from the records under s.20 includes the names of public servants. In this case I am satisfied that disclosing the names would, in fact, be an unreasonable invasion of their privacy in accordance with s.18. Although this exemption was not claimed, it has application. I also agree with the s.15(1)(k) exemptions identified by the public body. Accordingly, as all other information in the file has been previously disclosed to the Applicant, this matter is concluded.

The Review Office has received 32 written inquiries from the Applicant regarding similar issues over the past three years. In the future, I recommend that each affected public body routinely disclose to the Applicant on a yearly basis any and all personal information updates. These updates should be treated as routine disclosure and will not consist of information authored by or previously sent to the Applicant. Hopefully, this will address the concerns of the Applicant and eliminate the need for the Applicant to formally request updates.

Should the Applicant wish to appeal to the Supreme Court of Nova Scotia, the Applicant should refer to the appeal time lines set out in s.40 and s.41 of the *Freedom of Information and Protection of Privacy Act*.

Dated at Halifax, Nova Scotia this 22nd day of December 2006.

Dwight Bishop
Acting Review Officer