

Questions for party leaders on government transparency, and privacy.

The Freedom of Information and Privacy Association would appreciate your responses to the following questions. While providing any yes or no response, please feel free to elaborate on the matter and to include links to any relevant statements or platforms.

About FIPA

The BC Freedom of Information and Privacy Association (FIPA) is a non-partisan, non-profit society that was established in 1991 to promote and defend freedom of information and privacy rights in Canada. While we are based in BC, our membership extends across Canada, and we regularly partner with organizations throughout the country.

Our goal is to empower citizens by increasing their access to information and their control over their own personal information. We serve a wide variety of individuals and organizations through programs of public education, public assistance, research, and law reform. We are one of very few public interest groups in Canada devoted solely to the advancement of freedom of information and privacy rights.

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Question 1 – Potential of law reform

If elected to form government, will you reform laws and improve:

- records management in public bodies?
- access to information from public bodies?
- the ability for people to control and protect their personal information collected used and retained by public bodies and private organizations?

Nova Scotia’s Information and Privacy Commissioner, Tricia Ralph, has warned that the province’s access system is barely functioning with a four-year backlog of files to review. There has been a disregard for government transparency and accountability under Tim Houston’s Progressive Conservative government. The number of ‘deemed refusals’ – when a public body does not respond to a request for information within the specified amount of time – is especially concerning. Access delayed is access denied. The timeliness of granting access to information is often very important to applicants and their ability to hold government accountable. The NSNDP is committed to modernizing laws and increasing the power of the Office of the Information & Privacy Commissioner.

Question 2 – Law reform in action

How will you act on reforms in these areas?

An NDP government will make necessary changes to Nova Scotia’s privacy legislation, in line with what has been recommended by Nova Scotia’s Privacy Commissioner in the past. In particular an NSNDP government will give the Privacy Commissioner order-making power (making their decisions legally binding) and require that require all Nova Scotia agencies to publicly post all general freedom of information requests. An NDP government will also increase funding for the Office of the Information & Privacy Commissioner to ensure that the office has the resources needed to enhance transparency and accountability.

Question 3 – Recordkeeping of information assets

Records need to be both created and managed effectively. Recordkeeping promotes effective public governance and establishes a common source of reference for public employes, it is a prerequisite to both evidence-based and data-driven decision-making.

If elected to form Government, what steps will you take to:

- Identify government’s needs related to recordkeeping and areas for potential improvement?
- Improve the requirement for public bodies to create and act on records?

- Increase proactive release of information under the control of public bodies?
- Improve responses to requests for information under the control of public bodies?

The NSNDP is committed to increasing the power of the Office of the Information & Privacy Commissioner in an effort to take political influence out of record releases. We will work collaboratively with Nova Scotia's Privacy Commissioner to identify where other 2024 NS Election Survey 6000 10 Legal Research Page | 2 of 2 improvements need to be made to ensure public bodies shift their practices to enhance transparency. The NSNDP is committed to removing barriers to information and will look to creating spaces to make more information proactively available.

Question 4 - Response to potential concerns

The Nova Scotian Freedom of Information and Protection of Privacy Act and related legislation has come under fire from the appointed independent commissioner and the public. It is also going through a legislative review process. FIPAs analysis of legislation across Canada indicates that there is only one area that Nova Scotia is leading in (Degree of Practicality).

- If elected, what will your government do to ensure better access to the information under the control of public bodies on request or proactively?
- If elected, what steps will you take to ensure Government and Ministers act on the recommendations of duly appointed independent offices of the legislative assembly and review processes?

An NDP government will eagerly work to modernize Nova Scotia's freedom of information laws, and we will do so in collaboration with Nova Scotia's Information and Privacy Commissioner who has been a vocal advocate for increased power for her office to ensure government transparency and accountability are strengthened.

Background

- Community Services Department cited again over access to information
 - <https://www.cbc.ca/news/canada/nova-scotia/access-to-information-protection-of-privacy-community-services-1.7117274#:~:text=The%20Community%20Services%20Department%20has,it%20is%20a%20legal%20obligation.%22>

- N.S. agencies don't have to post freedom of information responses. Some say that's a problem
 - <https://www.cbc.ca/news/canada/nova-scotia/freedom-of-information-nova-scotia-1.7132185#:~:text=Review%20of%20legislation%20underway,in%20power%2C%22%20she%20said.>
- Doctors Nova Scotia concerned about proposed changes to health information law
 - <https://www.cbc.ca/news/canada/nova-scotia/personal-health-information-minister-financial-measures-act-law-1.7150879#:~:text=Amendments%20would%20give%20minister%20broad,personal%20info%2C%20doctors'%20group%20says>
- Information access and privacy legislation: engagement
 - <https://novascotia.ca/information-access-and-privacy-engagement/>
 - Backgrounder - <https://novascotia.ca/information-access-and-privacy-engagement/docs/modernizing-information-access-privacy-legislation.pdf>
 - Terms of reference - <https://novascotia.ca/information-access-and-privacy-engagement/docs/foipop-review-terms-reference.pdf>
- DRAFT 20240920 Leading and Trailing Language.pdf