

BACKGROUND

Modernizing Nova Scotia's Information Access and Privacy Legislation

Nova Scotians want a government that is open, transparent, and accountable. Nova Scotians must also be confident their personal information is protected.

Nova Scotia's *Freedom of Information and Protection of Privacy Act* (FOIPOP Act) has been in effect since 1994. The government has committed to updating the Act to ensure that it continues to provide public access to important information held by government while also ensuring it keeps pace with emerging technology and provides the appropriate protections for the digital age.

Why do we need to update the legislation?

The FOIPOP Act and three other statutes that make up key components of the information access and privacy legislative framework in Nova Scotia have not been updated in many years.

The other statutes are:

- *Municipal Government Act* (MGA) Part XX. [Municipal Government Act \(nslegislature.ca\)](https://www.nslegislature.ca/municipal-government-act)
- *Privacy Review Officer Act* (PRO Act). [Privacy Review Officer Act \(nslegislature.ca\)](https://www.nslegislature.ca/privacy-review-officer-act)
- *Personal Information International Disclosure Protection Act* (PIIDPA). [Personal Information International Disclosure Protection Act \(nslegislature.ca\)](https://www.nslegislature.ca/personal-information-international-disclosure-protection-act)

The last substantial update to the FOIPOP Act was in 1999. Many changes have occurred in the world of information access and privacy over the past two decades, including technological advances and societal values with respect to transparency, accountability, equity, social justice, and privacy.

Requests for access to information have also steadily increased.

In 2022-2023, there were more than 5000 requests for records across public sector entities that are subject to access legislation; nearly five times the volume from 20 years ago.

Technological advances have made data more readily available, and government has increased its capacity to use this data to develop and improve policies and programs for the benefit of Nova Scotians.

People have also come to expect more online services and the ability to interact with government digitally in a safe and secure manner. At the same time, threats to privacy through cybercrime are a reality all jurisdictions are grappling with.

It's not just government departments that are subject to the FOIPOP Act. More than 400 public sector entities are covered. Universities, colleges, health authorities, regional centres for education, crown corporations and provincial government agencies, boards, and commissions fall under the FOIPOP Act, while municipalities and municipal services, such as municipal police, fall under the *Municipal Government Act*.

You can help update the legislation

Given the changing landscape, the Nova Scotia Government is undertaking a review of the province's information access and privacy legislative framework with the goal of modernization. A working group has been established to carry out this review.

We are looking for your input.

Are there aspects of the legislation that are working well?

Do you see any challenges or difficulties with respect to access to information or protection of privacy in Nova Scotia?

What could be improved to make the legislation more effective considering today's digital environment and emerging technologies?

To view the working group's Terms of Reference, visit: <https://novascotia.ca/information-access-and-privacy-engagement/docs/foipop-review-terms-reference.pdf>

We invite you to send written submissions to: FOIPOP.Modernization@novascotia.ca

Note: The *Personal Health Information Act* is outside the scope of the current review.

Your submissions will be used to inform the review of the legislation. Any submission you make will be subject to the provisions of the FOIPOP Act and will only be released by government in accordance with that legislation.