


Chapter:	<b>Legislation and Policy</b>	Classification:	<b>Public Document</b>
Subject:	<b>Legal Advice and FOIPOP Assistance</b>		
For:	<b>Entire Division</b>	 Authorized by Executive Director	


## 1. Policy

- 1.1 It is the policy of Correctional Services that matters requiring legal clarification or assistance will be forwarded to the Legal Services Division of the Department of Justice for the necessary research and formulation of a legal opinion.
- 1.2 It is also the policy of Correctional Services that staff will seek clarification on matters relating to access, privacy, or the *Freedom of Information and Protection of Privacy Act* (FOIPOP) from the Department's IAP Services.

## 2. Seeking Legal Advice

- 2.1 From time to time staff are required to address situations where expert advice or interpretation may be required, for example when there is conflicting or seemingly contradictory legislation or policies, contracts questions, or other issues where legal or privacy input is required. In such cases staff should consult with their immediate supervisor, who may, in turn, refer the matter for further clarification.
- 2.2 Where legal advice or advice related to FOIPOP is required, staff will outline the problem in writing to their senior probation officer, superintendent or youth custody manager, who will forward the request to the Manager, Correctional Services or Chief Superintendent who will in turn advise the appropriate Director.
- 2.3 Directors will seek advice and ensure the responses from Legal Services or IAP Services are communicated to the appropriate staff.
- 2.4 Confidential communications which take place between Legal Services and Correctional Services for the purpose of obtaining legal advice are protected by solicitor-client privilege. Legal advice and opinions should not be disclosed outside of Correctional Services or the civil service, in accordance with the [Government of Nova Scotia Corporate Administrative Policy Manual 300 \(2.2\)](#).

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- 2.5 Changes to policy or standard operating procedures may be required as a result of any advice received.