Executive Council

Nova Scotia

A certified copy of an Order in Council dated October 20, 2026

N.S. Reg. 254/2026

FILED

Date: October 20, 2026

Rachel L. Jones
Registrar of Regulations
Province of Nova Scotia

2026-359

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia dated September 16, 2026, and pursuant to Sections 143 and 148 of Chapter 13 of the Acts of 2025, the *Freedom of Information and Protection of Privacy Act*, is pleased, effective on and after April 1, 2027, to:

(a) repeal the *Freedom of Information and Protection of Privacy Regulations*, N.S. Reg. 105/1994, made by the Governor in Council by Order in Council 94-537 dated June 28, 1994;

(b) repeal the *Regulations Amending the Schedule to the Act Listing Public Bodies*, N.S. Reg. 205/2009, made by the Governor in Council by Order in Council 2009-202 dated April 28, 2009; and

(c) make new regulations respecting freedom of information and protection of privacy in the form set forth in Schedule "A" attached to and forming part of the Report and Recommendation.

Certified to be a true copy

Tracey Taweel
Clerk of the Executive Council

Approved by Order in Council
2026-359 **dated**
October 20, 2026

Tracey Taweel
Clerk of the Executive Council

Schedule "A"

Regulations Respecting Freedom of Information and Protection of Privacy made under Sections 143 and 148 of Chapter 13 of the Acts of 2025, the *Freedom of Information and Protection of Privacy Act*

Interpretation

Citation

1 These regulations may be cited as the *Freedom of Information and Protection of Privacy Regulations.*

Definitions

2 In these regulations,

"access", for the purposes of Sections 24 to 42, means the action, process, opportunity or means of finding, using, examining or retrieving, including obtaining from storage;

"Act" means the *Freedom of Information and Protection of Privacy Act*;

"privacy assessment" means an assessment conducted by a public body to identify and review risks associated with collecting, using or disclosing personal information and develop mitigation strategies to respond to those risks;

"service provider" means a person who

(i) is retained under a contract to perform services for a public body, and

(ii) in the course of performing services for the public body, uses, discloses, manages, stores or accesses personal information in the public body's custody or control.

Anthropological and heritage value

3 (1) A site has anthropological value, as referred to in clause 45(1)(a) of the Act, if it contains an artifact or other physical evidence of past habitation or use that has research value.

(2) A site has heritage value, as referred to in clause 45(1)(a) of the Act, if it meets any of the following:

(a) it is the location of a traditional societal practice for a living community;

(b) it has historical, cultural, aesthetic, educational, scientific or spiritual meaning or value for the Province or for a community, including an Indigenous People.

Interpretation of terms with respect to universities

4 All of the following terms apply to universities:

"enactment" includes any legal authority pursuant to which a university acts;

"governing body" in subsection 34(1) of the Act includes the faculties and the senate of a university;

"person acting in a judicial or quasi-judicial capacity" in 4(3)(f) of the Act includes any of the following who are authorized, under an enactment of a university, to act in a judicial or quasi-judicial capacity

(i) a person,

(ii) a member or a chair of a committee.

Interpretation of terms with respect to academic research

5 In subsection 46(1) of the Act,

"employee of the local public body" includes any of the following:

(i) an employee of the local public body's employee,

(ii) an individual engaged under contract by the local public body's employee, whether as an independent contractor or otherwise,

(iii) an individual engaged under a contractual arrangement by or with the local public body,

(iv) a student attending or providing services to a local public body,

(v) a visiting professor at the local public body.

Definitions of words and expressions for definition of "background information"

6 **(1)** In clause (g) of the definition of "background information" in Section 3 of the Act respecting final reports and audits,

"efficiency" refers to the extent to which the public body achieves maximum productivity with minimum wasted effort or expense;

"performance" refers to the public body's actions, tasks and operations as seen in terms of how successfully they are performed in relation to expected outcomes;

"programs or policies" refers to the public body's programs or policies as they existed on or before the final report is made or the final audit begins;

"public body" refers to the public body as it existed on or before the final report is made or the final audit begins.

(2) A feasibility study referred to in clause (i) of the definition of "background information" in Section 3 of the Act, means a study with a fundamental purpose of advising a public body on the practicability of a specific proposed project, including an evaluation of whether the project, or specific proposals for that project, are capable of being accomplished with a reasonable assurance of success and in accordance with established standards including specified financial limits.

References to "Review Officer"

7 A reference in any enactment or document to the Privacy Review Officer appointed under the former *Privacy Review Officer Act* is deemed to be a reference to the Commissioner appointed under the Act.

Deemed compliance with time limit by public body

8 A public body is deemed to comply with any requirement under the Act to provide written communication or notice within a time limit if the public body deposits it with the postal service within the time limit.

Notice to third parties

9 **(1)** For the purposes of subsections 50(1) and 75(2) of the Act, it is deemed to be practicable to notify a third party if the third party can reasonably be located.

(2) For a third party that is a corporation registered to carry on business in the Province, a notice to the third party under subsection 50(1) of the Act must be sent by mail or electronic mail to the corporation's last known address or electronic mail address.

Access Requests

Form and content of access request

10 **(1)** An access request must state that the application is made under the Act.

(2) An access request may be in Form 1.

Fees

11 **(1)** The application fee for an access request is $5.00.

(2) Except as provided in subsection (4), and subject to the limits in subsection (3), the fees payable for services under Section 26 of the Act are the actual costs to the public body of providing the services.

(3) Fees for services must not exceed the following amounts:

(a) for locating and retrieving a record, $15.00 for each half-hour of person time after the first 3 hours exempted under subsection 26(2) of the Act, rounded down to the nearest half-hour;

(b) for producing a record manually, $15.00 for each half-hour of person time, rounded down to the nearest half-hour;

(c) for producing a record from a machine readable record, the actual cost incurred for computer usage and for developing a computer program to produce the record;

(d) for preparing a record for disclosure and handling a record, $15.00 for each half-hour of person time, rounded down to the nearest half-hour;

(e) for shipping a record, the actual costs of shipping method chosen by applicant;

(f) for providing a copy of a record that is stored or recorded in printed form and can be copied on conventional photocopying equipment, $0.20 a page;

(g) for providing a copy of a record that is stored or recorded in a manner other than that referred to in clause (f) or cannot be reproduced on conventional photocopying equipment, the actual cost of reproducing the record.

(4) If a search fee or reproduction fee for accessing a record is required by an enactment other than the Act, the head of a public body to whom an application is made must charge the applicant the fees set under the other enactment.

(5) An applicant must pay any outstanding fees for services under Section 26 of the Act before access to a record is given or refused.

(6) If a fee paid for services under Section 26 of the Act is subsequently waived, the head of a public body must refund the applicant any fees paid.

(7) If the actual cost of providing services under Section 26 of the Act is less than an estimated fee paid by an applicant under subsection 26(6) of the Act, the difference must be refunded to the applicant by the head of the public body responding to the application.

Waiver of fees

12 The following are prescribed as additional circumstances in which a head of a public body may waive the payment of all or any part of a prescribed fee:

(a) the applicant is not given access to a record;

(b) the amount of the payment is too small to justify requiring payment.

Third party consent to disclosure of information in response to access request

13 Any of the following consents to a disclosure of information in response to an access request may be in Form 2:

(a) the consent of a third party to a public body disclosing any of the third party's personal information under clause 48(2)(a) of the Act;

(b) the consent of a third party to a public body disclosing information under subsection 49(3) of the Act.

Correction Requests

Form and content of correction request

14 **(1)** A correction request must meet all of the following criteria:

(a) it must be made in writing;

(b) it must state that the request is made under the Act;

(c) it must provide sufficient detail to enable an individual familiar with the subject matter to identify the personal information and the proposed correction of the personal information, including by identifying the applicant's personal information to be corrected and the factual error or omission on which the correction is based.

(2) A correction request may be in Form 3.

Amending correction request

15 If an individual familiar with the subject matter is unable to identify the personal information an applicant is requesting be corrected, the head of the public body must

(a) inform the applicant; and

(b) allow the applicant to amend the application to provide additional details.

Use of Personal Information

Form and content of consent to use of personal information

16 **(1)** An individual's consent under clause 70(b) of the Act to a public body using their personal information must meet all of the following criteria:

(a) it must be in writing;

(b) it must identify the personal information;

(c) it must specify how the personal information may be used.

(2) An individual's consent under clause 70(b) of the Act to a public body using their personal information may be in Form 4.

Disclosure of Personal Information

Consent to disclosure of personal information

17 **(1)** An individual's consent under clause 71(b) of the Act to a public body disclosing their personal information must meet all of the following criteria:

(a) it must be in writing;

(b) it must identify the personal information;

(c) it must specify to whom the personal information may be disclosed and how the personal information may be used.

(2) An individual's consent under clause 71(b) of the Act to a public body disclosing their personal information may be in Form 4.

Disclosure for research purpose

18 **(1)** For the disclosure of personal information for a research purpose, an agreement to comply with the conditions approved by the head of a public body under clause

72(d) of the Act must include all of the following conditions:

(a) that the person must use the information only for a research purpose set out in the agreement or for which the person has written authorization from the public body;

(b) that the person must name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified;

(c) that before disclosing personal information to other persons under clause (b), the person must enter into an agreement with those persons to ensure that they will not disclose it to any other person;

(d) that the person must keep the information in a secure location to which access is given only to the person and to the persons given access under clause (b);

(e) that the person must destroy all individual identifiers in the information by the date specified in the agreement;

(f) that the person must not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the public body;

(g) that the person must ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the public body;

(h) that the person must notify the public body in writing immediately if the person becomes aware that any of the conditions set out in this Section have been breached.

(2) As a condition of entering into a research agreement, the head of a public body may require a person requesting a research agreement to provide the public body with all of the following:

(a) a general description of the research project, including the objectives of the project and the proposed method of analysis;

(b) an explanation of why the research project cannot reasonably be accomplished without access to personal information in individually identifiable form;

(c) an explanation of how the personal information will be used, including a description of any proposed linkages to be made between personal information in the records subject to the research agreement and any other personal information;

(d) the reasonable security arrangements that will be put in place to protect the personal information;

(e) the expected time period for which access to the records is required;

(f) the benefits to be derived from the research.

Public Interest Disclosure

Notice of public interest disclosure

19 A notice of disclosure to a third party under subsection 75(3) of the Act must include all of the following:

(a) a description of the information that was disclosed;

(b) when the information was disclosed;

(c) to whom the information was disclosed;

(d) the reasons for which it was disclosed, in accordance with clauses 75(1)(a) or (b) of the Act, and include details on any specific group of people at risk or any public interest reasons for the disclosure.

Reviews By Commissioner and Appeals to Court

Form of review requests

20 **(1)** An access review request or correction review request under subsection 80(1) of the Act may be in Form 5.

(2) An access review request by a third party under subsection of 80(3) of the Act may be in Form 6.

(3) A privacy review request under Section 100 or subsection 101(2) of the Act may be in Form 7.

Legal privilege

21 When refusing to produce information to, or allow the inspection of information by, the Commissioner for an access review on the basis that the information is subject to legal privilege as excluded under 86(2) of the Act, a public body must indicate all of the

following to the Commissioner:

(a) the page numbers of the records over which legal privilege is claimed;

(b) for each record or group of records, without revealing the information that is privileged,

(i) identify the type or types of record,

(ii) identify the basis for the legal privilege claim,

(iii) provide a general description of the parties.

Time limit for compliance by public body

22 The time limit under subsections 86(4) and 112(4) of the Act for producing a record is 15 business days from the date that the public body received notice of the requirement to produce the record from the Commissioner.

Appeal to Supreme Court

23 **(1)** An appeal to the Supreme Court under the Act must be commenced in the form and manner prescribed by the *Civil Procedure Rules*.

(2) An appeal must be heard in accordance with the Act, and the *Civil Procedure Rules* apply with the necessary modifications.

Privacy Assessments

Requirement to conduct privacy assessment

24 **(1)** The requirement in Section 53 of the Act for a privacy assessment for a project, program, system or activity includes for any common or integrated program or activity.

(2) A privacy assessment is required before commencing a data-linking program.

(3) A privacy assessment is required before storing personal information outside of Canada.

Privacy assessments

25 **(1)** A privacy assessment must meet all of the following requirements:

(a) it must be in writing;

(b) it must describe the following, as applicable:

(i) the project, program, system or other activity that involves collecting using or disclosing personal information,

(ii) the data-linking program,

(iii) the storage of personal information outside of Canada;

(c) it must identify the types of personal information that will be collected, used or disclosed;

(d) it must identify the purpose of, and authority and necessity for, collecting, using or disclosing the personal information;

(e) it must identify any privacy risks associated with the personal information and explain how those risks will be reduced or managed in accordance with subsection (2).

(2) When identifying privacy risks for a privacy assessment, a public body must consider and document all of the following:

(a) any storage or disclosure to personal information outside of Canada, or any access of personal information from outside of Canada;

(b) accuracy, correction and retention procedures for personal information;

(c) positions or roles that will have access to personal information;

(d) governance, responsibilities and accountabilities for personal information;

(e) reasonable security arrangements that will be used to protect personal information.

(3) A privacy assessment must provide a level of detail that is commensurate with the complexity of the practice, program, project or service being assessed.

(4) A privacy assessment must be approved by the head of the public body conducting the assessment.

Joint privacy assessments

26 **(1)** Two or more public bodies involved in a common or integrated program or service or data-linking program may prepare a joint privacy assessment.

(2) Each public body to a joint privacy assessment must include an addendum to the assessment to address any unique circumstances for collecting, using or disclosing

personal information that apply to that public body.

Amended privacy assessments

27 A public body that is conducting a privacy assessment required by clause 53(1)(b) of the Act for a substantial change to a project, program, system or other activity involving collecting, using or disclosing personal information may amend an existing privacy assessment, if that privacy assessment meets the requirements of these regulations.

Common or Integrated Programs or Activities

Common or integrated programs or activities—written documentation

28 **(1)** For the purpose of the definition of "common or integrated program or activity", confirmation that a program or activity is a common or integrated program or activity must be in the form of a written agreement that includes all of the following:

(a) a description of the common or integrated program or activity to be provided, including its purposes, key objectives and expected benefits or outcomes;

(b) a description of the types of personal information collected, used and disclosed in the course of providing the program or activity;

(c) a description of the respective roles and responsibilities of each party to the agreement;

(d) the date the program or activity will start and, if applicable, the date the program or activity will end;

(e) provisions requiring each party to implement and maintain appropriate security and safeguarding measures to protect the personal information against risks including unauthorized access, collection, use, disclosure or disposal;

(f) provisions that prohibit the subsequent use and disclosure of the personal information for purposes not related to the common or integrated program or activity except

(i) with the consent of the person to whom the information relates, or

(ii) if required or authorized by law;

(g) provisions for the withdrawal of a party, including provisions that

(i) prohibit any further use or disclosure of the personal information received by the withdrawing party except

(A) with the consent of the person to whom the information relates, or

(B) if required or authorized by law, and

(ii) specify the ongoing obligations of the withdrawing party to secure and safeguard the personal information;

(h) provisions for the termination of the agreement, including provisions that

(i) prohibit any further use or disclosure of the personal information received by the parties except

(A) with the consent of the person to whom the information relates, or

(B) if required or authorized by law, and

(ii) specify the ongoing obligations of the parties to secure and safeguard the personal information.

(2) An agreement referred to in subsection (1) must be signed by the head of each public body and by each partner agency through which or on whose behalf, the services of the program or activity are provided.

Common or integrated program or activity with data-linking program

29 For a common or integrated program or activity that includes a data-linking program, the data-linking program requirements set out in Section 30 may be included in an agreement required under Section 28.

Data-linking Programs

Data-linking program requirement for written agreement

30 **(1)** A public body conducting a data-linking program must enter into a written agreement with the other public bodies or partner agencies with which its data sets are being linked that includes all of the following information:

(a) a description of the data-linking program, including its purposes, key objectives and expected benefits or outcomes;

(b) a description of the data sets;

(c) a description of how the data sets will be

(i) transmitted, and

(ii) matched or linked;

(d) a description of the respective roles and responsibilities of each party to the agreement;

(e) provisions requiring each party to implement and maintain appropriate security and safeguarding measures to protect the data sets against risks including unauthorized access, collection, use, disclosure or disposal;

(f) provisions that prohibit the subsequent use and disclosure of the data sets for purposes not related to the data-linking program, except if required or authorized by law;

(g) provisions for the withdrawal of a party, including provisions that

(i) prohibit any further use or disclosure of the data sets received by the withdrawing party except if required or authorized by law, and

(ii) specify the ongoing obligations of the withdrawing party to secure and safeguard the data sets;

(h) provisions for the termination of the agreement, including provisions that

(i) prohibit any further use or disclosure of the data sets received by the parties except if required or authorized by law, and

(ii) specify the ongoing obligations of the parties to secure and safeguard the personal information;

(i) if data sets have been de-identified as part of the data-linking program, provisions respecting the process for de-identification and for reasonable safeguards to protect against re-identification,

(j) provisions respecting the retention and destruction of any data sets generated from the data-linking program.

(2) An agreement referred to in subsection (1) must be signed by the head of each public body and by each partner agency participating in the data-linking program.

Access to, Disclosure and Storage of Personal Information Outside Canada

Storage of personal information outside Canada

31 All of the following are the circumstances under Section 76 of the Act in which a public body may store personal information outside of Canada:

(a) the individual the personal information is about has identified the personal information and has consented in writing to its storage outside of Canada;

(b) the personal information is stored outside of Canada for the purpose of disclosure permitted under these regulations;

(c) the head of the public body allows the storage outside of Canada under Section 32.

Risk-based decision by head for personal information storage outside Canada

32 **(1)** The head of a public body may allow personal information to be stored outside of Canada based on the outcome of a risk assessment made in accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risks associated with the storage by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information occurring,

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information is stored by a service provider,

(iv) whether the service provider has reasonable security arrangements for the storage of the personal information,

(v) whether the storage outside of Canada is to meet the necessary requirements of the public body's operation,

(vi) the country in which the personal information is stored;

(b) for each privacy risk, it must identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security,

administrative or contractual measures.

(3) An assessment under this Section may form part of a privacy assessment under Section 25.

Policy on transporting and accessing personal information outside Canada

33 **(1)** A public body must have a policy on transporting and accessing personal information outside of Canada by its directors, officers or employees, which must include a process for obtaining approval from the head of the public body.

(2) The head of a public body may allow a director, officer or employee of the public body to transport personal information, or access personal information from, outside of Canada temporarily in accordance with its policy if the head considers that it is reasonable for the performance of the duties of the director, officer or employee to transport the information on, or access the information from, an electronic device.

Access to personal information from outside Canada by service provider

34 All of the following are the circumstances under Section 76 of the Act in which a public body may allow access to personal information in its custody or control from outside of Canada by its service provider:

(a) the access is necessary for doing any of the following regarding an electronic system that is used by the public body or by its service provider for the purposes of providing services to the public body:

(i) installing, implementing, maintaining, repairing, troubleshooting or upgrading the electronic system or equipment that includes the electronic system,

(ii) data recovery that is undertaken following a failure of the electronic system;

(b) the individual the personal information is about has identified the personal information and consented in writing to its access outside of Canada;

(c) the personal information is accessed outside of Canada for the purpose of a disclosure permitted under these regulations;

(d) the head of the public body allows access under Section 35.

Risk-based decision by head for access by service providers outside Canada

35 **(1)** The head of a public body may allow access to personal information outside of Canada by a service provider based on the outcome of a risk assessment made in

accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risk associated with the access by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information occurring,

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information is accessed by a service provider,

(iv) whether the service provider has reasonable security arrangements for its access to the personal information,

(v) whether the access outside of Canada is to meet the necessary requirements of the public body's operation,

(vi) the country from which the personal information is accessed;

(b) for each privacy risk, it must identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security, administrative or contractual measures.

(3) A risk assessment under this Section may form part of a privacy assessment under Section 25.

Accessing own personal information from outside Canada

36 A public body may allow an individual access under Section 76 of the Act to their own personal information from outside of Canada.

Personal information in transit outside Canada

37 A public body may route personal information in its custody or control outside of Canada under Section 76 of the Act as part of internet communications or network optimization under circumstances that meet all of the following:

(a) the transmission is incidental to, and necessary for, internet communications or network optimization;

(b) the transmission is temporary;

(c) the transmission does not involve the intentional accessing of the personal information;

(d) the personal information is protected through reasonable security arrangements.

Disclosure of personal information outside Canada

38 All of the following are the circumstances under Section 76 of the Act in which a public body may disclose personal information outside of Canada:

(a) the disclosure is in accordance with these regulations;

(b) the individual the personal information is about has identified the personal information and has consented, in writing, to its disclosure outside of Canada;

(c) the disclosure is in accordance with an enactment of the Province or of Canada that authorizes or requires its disclosure;

(d) the disclosure is in accordance with a provision of a treaty, arrangement or agreement that

(i) authorizes or requires its disclosure, and

(ii) is made under an enactment of the Province or of Canada;

(e) the disclosure is to the head of the public body and the information is immediately necessary for the performance of their duties;

(f) the disclosure is to a director, officer or employee of the public body or to the head of the public body and the information is immediately necessary for the protection of the health or safety of the director, officer, employee or head;

(g) the disclosure is to the Attorney General or legal counsel for the public body for use in civil proceedings involving the Government of the Province or the public body;

(h) the disclosure is for any of the following payment purposes:

(i) collecting a debt or fine owing by an individual to the Crown in right of the Province or to a public body,

(ii) making a payment owing by the Crown in right of the Province or

by a public body to an individual;

(i) the disclosure is for any of the following purposes involving drivers or motor vehicles:

(i) licensing or registration of motor vehicles or drivers,

(ii) verification of motor vehicle insurance, motor vehicle registration or drivers' licences;

(j) the head of the public body determines that compelling circumstances exist that affect a person's safety or physical or mental health;

(k) the disclosure is for the purpose of reducing the risk of an individual being a victim of intimate-partner violence, if intimate-partner violence has occurred or is reasonably likely to occur;

(l) the disclosure is for the purpose of reducing the risk of an individual being a victim of human trafficking, if human trafficking is reasonably likely to occur;

(m) the disclosure is necessary for the next of kin of an injured, ill or deceased individual to be contacted;

(n) the disclosure is necessary for a person in a close personal relationship with an injured, ill or deceased individual to be contacted;

(o) the disclosure is to either of the following if, in the head of the public body's opinion, the disclosure is not an unreasonable invasion of the deceased's personal privacy:

(i) a deceased individual's surviving spouse or relative,

(ii) a person in a close personal relationship with a deceased individual;

(p) the disclosure is by a public body that is a law enforcement agency in accordance with clause 71(p) of the Act and these regulations;

(q) the disclosure is for research, archival or historical purposes in accordance with Section 39 or 40;

(r) the head of a public body allows the disclosure under Section 41.

Disclosure of personal information outside Canada for research purpose

39 A public body may disclose personal information outside of Canada under Section 76 of the Act for a research purpose, including statistical research, if it is done in accordance with Section 72 of the Act and these regulations.

Disclosure of personal information outside Canada by archives

40 The Public Archives of Nova Scotia, or the archives of a public body, may disclose personal information outside of Canada under Section 76 of the Act for archival or historical purposes if it is done in accordance with Section 74 of the Act and these regulations.

Risk-based decision by head for personal information disclosure outside Canada

41 **(1)** The head of a public body may allow disclosure of personal information outside of Canada based on the outcome of a risk assessment made in accordance with subsection (2).

(2) A risk assessment required by subsection (1) must meet all of the following:

(a) it must identify the privacy risks as well as the level of privacy risk associated with the disclosure by examining relevant factors including all of the following:

(i) the likelihood of an unauthorized collection, use, disclosure or storage of personal information occuring,

(ii) the impact to an individual of an unauthorized collection, use, disclosure or storage of personal information,

(iii) whether the personal information will be stored by the recipient,

(iv) whether the recipient has reasonable security arrangements for the storage of the personal information,

(v) whether the disclosure outside of Canada is to meet the necessary requirements of the public body's operation,

(vi) the country where the recipient of the personal information is located;

(b) for each privacy risk, identify a privacy risk response that is proportionate to the level of risk posed, such as technical, security, administrative or contractual measures.

Foreign demand for disclosure

42 **(1)** In this Section,

"foreign demand for disclosure" means a subpoena, warrant, order, demand or request for the unauthorized disclosure of personal information to which the Act applies that is from any of the following:

(i) a foreign court,

(ii) an agency of a foreign state,

(iii) another authority outside of Canada.

(2) A public body employee or a service provider to a public body who receives a foreign demand for disclosure must immediately notify the head the of the public body.

Privacy Policies

Contents of privacy policy

43 **(1)** A privacy policy required by subsection 52(1) of the Act may include any protocols, procedures or guidelines that in the head of the public body's opinion are necessary for handling personal information, but must at a minimum include all of the following:

(a) the position titles of individuals designated by the head of the public body to be responsible for all of the following:

(i) responding to privacy questions or concerns,

(ii) supporting the development, implementation and maintenance of privacy-related policies, processes and procedures,

(iii) supporting the public body's compliance with the Act;

(b) a public-facing privacy statement that addresses how the public body handles an individual's personal information that includes the contact information for how to direct privacy questions or concerns;

(c) a process for ensuring privacy notices are made available in accordance with Section 56 of the Act;

(d) requirements for a protocol or procedure for each of the following:

(i) responding to a privacy complaint in accordance with subsection (2),

(ii) responding to a privacy breach in accordance with subsection (3),

(iii) conducting a privacy assessment in accordance with these regulations;

(e) requirements for privacy training or privacy awareness activities for the public body's employees, which may be scaled to meet the volume and sensitivity of personal information in the public body's custody or control.

(2) A protocol or procedure required by subclause (1)(d)(i) for responding to a privacy complaint must include all of the following:

(a) a requirement for a privacy complaint to be submitted to the head of the public body;

(b) a requirement for a privacy complaint to be made in writing;

(c) the process established by the public body to investigate and respond to a privacy complaint once received;

(d) the means by which a copy of the privacy complaint process will be made available to the public as required by subsection 52(2) of the Act.

(3) A protocol or procedure under subclause (1)(d)(ii) for responding to a privacy breach must include documenting all of the following:

(a) breach containment;

(b) breach evaluation and risk assessment;

(c) breach notification and reporting;

(d) breach investigation and risk mitigation.

Privacy Breach Notifications

Privacy breach notification to affected individual

44 (1) A notification of a privacy breach to an affected individual under subsection 78(2) of the Act must include all of the following information:

(a) the name of the public body;

(b) the date on which the privacy breach came to the attention of the public body;

(c) a description of the privacy breach including all of the following that are known:

(i) the date on which or the period during which the privacy breach occurred,

(ii) a description of the nature of the personal information involved in the privacy breach,

(iii) to the extent possible, the circumstances of the breach;

(d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;

(e) a description of any steps that the public body has taken or will take to reduce the risk of harm to the affected individual;

(f) a description of any steps that the affected individual could take to reduce the risk of harm that could result from the privacy breach;

(g) confirmation that the Commissioner has been or will be notified of the privacy breach;

(h) notice that the affected individual may request a privacy review by filing a privacy review request with the Commissioner;

(i) any additional relevant information, as determined by the head of the public body.

(2) Except as provided in subsection (4), a notification of a privacy breach to an affected individual under subsection 78(2) of the Act must be given directly to each affected individual in person, by any of the following methods:

(a) telephone;

(b) mail;

(c) email;

(d) a form of communication that a reasonable person would consider appropriate in the circumstances.

(3) A public body must keep a record of notifications given directly under subsection (2).

(4) A notification may be given to an affected individual in an indirect manner in any of the following circumstances:

(a) the public body does not have accurate contact information for the affected individual;

(b) the head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body;

(c) the head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.

(5) A notification given in an indirect manner under subsection (4) must meet all of the following requirements:

(a) it must be given by public communication that can reasonably be expected to reach the affected individual;

(b) it must contain the information set out in subsection (1).

(6) A public body must keep a record of notifications given indirectly under subsection (4).

Privacy breach notification to Commissioner

45 **(1)** A notification of a privacy breach to the Commissioner under subsection 78(2) of the Act must be given to the Commissioner in writing and must include all of the following:

(a) the information required for notification to an affected individual by clauses 44(1)(a) to (e);

(b) an estimate of the number of affected individuals;

(c) a description of steps that the public body has taken or will take to notify affected individuals of the breach in accordance with Section 44.

(2) After providing the Commissioner with notice in accordance with subsection (1), a public body may submit to the Commissioner any new information required by that subsection that the public body becomes aware of.

Forms

Form 1—Access to a Record

(subsection 10(1), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. This is an application under the *Freedom of Information and Protection of Privacy Act* for access to *(check one)*

   ____ my own personal information
   ____ other information
   ____ both my own personal information and other information.

2. I am applying for access to the following record:
   (Describe the material you are applying for as precisely and clearly as you can. Include details that will help find it, such as the topic or issue of the record, any specific event or action it relates to, the date of the record or the time period it covers, the type of record (document, report, letter etc.), and the names of any department staff who may have prepared it or know about it. If you know of any newspaper articles, publications or other sources that refer to the record, include those details too.)

3. I wish to *(check one)*

   ____ examine the record
   ____ receive a copy of the record

4. I understand that I may be required to pay a fee before obtaining access to the record.

Date: _____
Signature of applicant: _____
Full name of applicant (print): _____

Mailing address: _____

(Street, Apartment No./R.R. No.)

_____

(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

Request to Waive Fees

I hereby request to be excused from paying fees related to this application because *(check one)*

____ I cannot afford to pay fees
____ the record related to a matter of public interest (including the environment or public health or safety)
____ *(specify any other reason*)

For office use only

Date received: _____ Application No. _____

Form 2—Consent to Disclosure of Information in Response to Access Request
(clause 48(2)(a) and subsection 49(3), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior*
_____ *administrative officer of the public body*
_____ *where the record is filed or deposited.)*
_____

1. This consent arises out of an application for access to records submitted to the _____ *(name of public body)* on _____, 20____, for information relating to _____ *(name of individual or third party)*. A copy of that application is attached to this consent.

Choose one of the following:

Personal information

2a. I, _____ *(name of person consenting)*, hereby give consent to the _____ *(name of public body)* and the head of that public body to disclose to _____ *(name of applicant)* information in the list attached to this consent.

Confidential information

2b. I, _____ *(name of person consenting and their role as the third party)*, on behalf of _____ *(name of the third party)*, hereby give consent to the _____ *(name of public body)* and the head of that public body to disclose to _____ *(name of applicant)* information in the list attached to this consent, and I confirm that I have authority to bind the third party.

Date: _____

Signature of person consenting: _____

Full name of person consenting (print): _____

Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

(Attach list that details full particulars of information with respect to which consent to disclose is given.)

Form 3—Request for Correction of Personal Information
(Section 61, *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. This is a request under the *Freedom of Information and Protection of Privacy Act* for correction of personal information.

2. The details of the personal information requested to be corrected are as follows:

3. The correction requested is as follows:

Date: _____
Signature of requester: _____
Full name of requester (print): _____
Mailing address: _____
(Street, Apartment No./R.R. No.)
_____
(Community/County) *(Postal Code)*
Daytime telephone number(s): _____
Email address: _____

For office use only

Date received: _____ Request No. _____

Form 4—Consent to Use or Disclosure of Personal Information by Public Body
(Clause 70(b) or 71(b), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: _____ *(Address to the Deputy Minister or senior administrative officer of the public body where the record is filed or deposited.)*
_____
_____
_____

1. I, _____ *(name of consenting individual)*, of _____ _____ *(address)*, do hereby give consent to the _____ *(name of public body)* and the head of that body to disclose to _____ *(name of person or body)*, of _____ *(address)*, the following information about me:

for the following purpose(s):

(If insufficient space, list additional information on separate page.)

2. I, _____ *(name of consenting individual)*, of _____ *(address)*, do hereby give consent to the _____ *(name of public body)* and the head of that public body to use the following information about me:

for the following purpose(s):

(If insufficient space, list additional information on separate page.)

Date: _____
Signature of individual consenting: _____

Full name of individual consenting (print): _____

Mailing address: _____

(Street, Apartment No./R.R. No.)

_____

(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

Form 5—Request for Review: Applicant
(subsection 80(1), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*

_____

1. This request for review arises out of an application for access to a record or request for correction of personal information submitted to _____ *(specify public body)* on _____, 20____.
A copy of that application or request is attached to this request for review.

2. The applicant requests that the Commissioner review the following decision, act or failure to act of the head of the public body *(check all that apply)*

____ decision dated or made on _____, 20____, a copy of which is attached to this request for review

____ *(specify act or failure to act)*

3. The public body assigned the following file number to this application (if applicable):_____

4. The applicant requests that the Commissioner recommend that (check all that apply)

____ the head of the public body give access to the record as requested in the attached application for access to a record

____ the head of the public body correct the personal information as requested in the attached request for correction of personal information

____ *(specify any other recommendation or recommendations you consider appropriate)*

5. The applicant's reason for requesting a review is:

Date: _____

Signature of applicant: _____

Full name of applicant (print): _____

Mailing address: _____

(Street, Apartment No./R.R. No.)

_____

(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

Form 6—Request for Review: Third Party
(subsection 80(3), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*

_____

1. This request for review arises out of an application for access to a record submitted to _____ *(name of public body)* on _____, 20____, and a decision of the head of the public body to give access to the record or part of the record, which was contained in a written notice given by the head of the public body under subsection 51(2) of the Act.

2. A copy of the written notice and decision of the head of the public body are attached to this request for review.

3. The public body assigned the following file number to this application (if applicable):_____

4. The third party requests that the Commissioner recommend that the head of the public body not give access to any part of the records requested that contains information the disclosure of which may affect the interests or invade the personal privacy of the third party.

5. The third party's reason for requesting a review is:

Date: _____

Signature of third party: _____

Full name of third party (print): _____

Mailing address: _____
(Street, Apartment No./R.R. No.)

_____
(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____

Form 7—Request for Review: Privacy Compliance
(Section 100 or subsection 101(2), *Freedom of Information and Protection of Privacy Act*)
Province of Nova Scotia

TO: Office of the Information and Privacy Commissioner

_____ *(Specify name and address of*
_____ *Commissioner)*

_____

1. This request for review arises out of *(check one)*

____ a notification under Section 78 of the Act received by me on _____, 20____, from _____ *(name of public body)*, notifying me that I am an affected individual in a privacy breach

____ a response from _____ *(name of public body)* _____, 20____, to my privacy complaint filed with the public body on _____, 20____, under Section 101 of the Act.

2. A copy of the following is attached to this request for review *(check one)*

____ notification from the public body
____ privacy complaint and public body response from the public body

3. The public body assigned the following file number to this privacy complaint (if applicable):_____

4. I request that the review officer recommend *(specify any recommendation or recommendations you consider appropriate)*

5. My reason for requesting a review is:

Date: _____
Signature of applicant: _____

Full name of applicant (print): _____

Mailing address: _____

(Street, Apartment No./R.R. No.)

_____

(Community/County) *(Postal Code)*

Daytime telephone number(s): _____

Email address: _____