



Information Access and Privacy Services

Annual Report
2018/19

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Letter from the Minister

The View from 80 feet

If the 240,000 pages of freedom of information, protection of privacy (FOIPOP) records that Information Access and Privacy (IAP) Services processed in fiscal year 2018/19 were stacked one on top of the other, they would make a pile 80 feet tall. Whether we say 80 feet, 24 metres, or 7 storeys, we know that's a lot of processing. Those pages made up the nearly 2,000 FOIPOP applications received by the client departments served by IAP Services in 2018/19, a typically high annual intake volume that has not slowed down over the past three years.

Despite the steady volume, the IAP Services team, on behalf of their client departments, reviewed all that paper to achieve a compliance rate of 84 per cent with the FOIPOP Act, as well as an average turnaround time of 32 days in getting records to applicants. While team members continue to strive for a

30-day turnaround in all instances, a 32-day average response rate given the volume of applications received points to a good performance.

This is especially true given the extra challenges the IAP Services team had to tackle during the fiscal period under review. I would like to thank them for their determination to respond to so many FOIPOP requests as quickly as they could while simultaneously doing so much more.

The pages that follow give a sense of the work done during the fiscal year 2018/19. It demonstrates leadership with a focus on achieving the objective of government to implement a robust information access and privacy program that protects Nova Scotians while making sure government information is easily accessible to the public.



Hon. Patricia Arab
Minister of Service Nova Scotia and Internal Services

Mandate and Legislation

Mandate

IAP Services' mandate is to...

...provide leadership, strategic direction, policy advice, and operational support to the government and other public bodies to help comply with the FOIPOP Act.

Our mission is to...

...promote a culture in which the public is informed, privacy is protected, and government is accountable for its decisions.

And our vision is to...

...be a trusted voice to drive access to information by default, and privacy by design.

This means that disclosure is presumed unless there is a legislated reason against it, and privacy is built into programming and projects from the beginning. It is on this basis that IAP Services provides leadership, consultation, and support in the areas of access and privacy to all government departments and some agencies that receive our services on a cost-recovery basis.

Governing Legislation

IAP Services works within the context of the following statutes and regulations:

- The Freedom of Information and Protection of Privacy Act (FOIPOP)
- The Privacy Review Officer Act (PRO)
- The Personal Information International Disclosure Protection Act (PIIDPA)
- Relevant regulations and policies
- Departmental statutes, as these sometimes take precedence over FOIPOP

In addition to provincial government departments, the FOIPOP Act also applies to public bodies found among agencies, boards, and commissions, as well as in the education and health sectors. Municipalities and other municipal services also are defined as public bodies and subject to access and privacy provisions, but their legislation differs. It is found in Part XX (20) of the Municipal Government Act, which mirrors the FOIPOP Act. While the provincial government has no jurisdiction over the access to information processes of municipalities, universities and colleges, regional centres for education, or hospitals (the MASH sector), this report offers a platform for these entities to publish their access statistics every year.

About IAP Services



We are a team of 25 access and privacy professionals, supporting 31 departments, agencies, boards and commissions



We process roughly 240,000 pages of records each year, which if stacked would reach to 80 feet or 7 storeys



We have led the development of more than 25 Privacy Impact Assessments this year and expect that to double soon



We manage mandatory online awareness training for thousands of government employees



On average, we process about 2,000 requests every year for access to information held by our client departments



Our average response time—32 days. Our average compliance rate—consistently over 80%



We conduct dozens of access and privacy training sessions each year for hundreds of people in client departments



We stay current by attending national access and privacy conferences; participating on pan-Canadian committees; and delivering staff training programs

2018/19: Highlights

A Focus on Privacy

The IAP Services strategic roadmap had identified having an up-to-date privacy policy as a critical component of a modern privacy program. The new policy was introduced in May 2018 with the intent to meet the challenges that evolving technology poses to the management of privacy rights and protection of personal information in the 21st century.

Implementing the policy highlighted two areas needing attention:

- Resources
- Tools and education/training materials

The Privacy Program staffing was doubled to a complement of six during this year with a mandate to play a leadership role mainly in the breach and privacy impact assessment processes; the program is also responsible for production of tools and resources, including educational materials to foster and support privacy knowledge among departments and to promote a culture that understands, respects, and includes privacy in everyday operations.

Policy Tools

The policy's companion documents include new privacy breach and privacy complaint protocols, as well as new templates for conducting privacy impact assessments. These updated tools incorporate current best practices in the field. They also standardize corporate processes and procedures in line with the existing consolidated operational model.

Proven Asset

Nova Scotia's new privacy breach protocol proved to be a very useful resource in a time of great challenge during the fiscal year. Beginning in April 2018, IAP Services used the new protocol to respond rapidly to a significant privacy breach that was discovered in the FOIPOP public disclosure portal. The vulnerability allowed for unauthorized access to documents stored in IAP's case-management system.

Containment, Notification, and Mitigation

With the discovery of the vulnerability, the FOIPOP disclosure portal and requestor portal were both immediately taken offline; IAP Services launched the privacy breach protocol, began investigations into root causes, and started working on replacement solutions to restore the service to the public in a new and secure way.

IAP Services simultaneously took the following actions under the breach protocol:

- Immediately notified the Office of the Information and Privacy Commissioner and collaborated with the office to validate processes and seek advice
- Notified the individuals whose personal information was affected by the breach as quickly as possible
- Offered credit-monitoring free of charge for one year to those whose breached information was highly sensitive
- Set up a dedicated phone line to take calls from those who wanted to request more details about how they might have been affected and what options they had to further protect themselves
- Met with each department to discuss if/how the breach had affected their departmental clients and how IAP Services could help departments assist those clients

The breach received widespread media coverage, was the subject of discussion in the legislature and was dealt with in-depth at three sessions of the House of Assembly's Standing Committee on Public Accounts. It also resulted in thorough investigations by the Office of the Information and Privacy Commissioner (OIPC) and the Office of the Auditor General.

Both investigations made recommendations including those around protection of privacy, cybersecurity, and project management. The government accepted all the recommendations when they were released in January 2019. All actions taken to comply with the recommendations are publicly posted at <https://beta.novascotia.ca/documents/privacy-breach-action-plan>

Temporary Disclosure Log – September 2018

Given the importance of resuming publication of previously disclosed FOIPOP requests, coupled with high demand by FOI users/applicants, the then-Department of Internal Services launched a temporary FOI disclosure website on September 5, 2018.

Because the temporary website is limited in scope and has no option for broader disclosures, IAP Services began preparatory work in 2018/19 to replace the site with one that has the capability to host more and different types of public records. This will include previous FOIPOP releases going back to January 2017 when the original FOIPOP disclosure portal was launched. The work will continue into the next reporting period.

New Platform for FOIPOP and Case Management

The contract for FOIPOP's case-management software expires on March 31, 2020. This coupled with the need of a public portal enabled IAP Services to begin the work required to issue a request for proposals for a new access to information solution. We expect to have a system in place by April 2020.

Continuing Education for Government Workforce

Tools and Education/Training Materials

The IAP Services team's mission is to foster a culture that promotes access, protects privacy, and builds accountability. We succeed in this through an education and training program that delivers subject-matter expertise to our IAP professionals and a broad understanding of access and privacy concepts and responsibilities to all government employees. We have made great strides in the following areas:

- Mandatory training available online for all government employees
- Customized presentations for department-specific needs
- More than 30 presentations to approximately 500 government employees on specific topics of their interest
- Introduction to Access and Privacy obligations through Public Service Commission Orientation to new employees
- Orientation and on-going study for new IAP employees
- Continuing education of IAP staff to keep up to date in best practices

Other Educational Activities

All Government Employees – Right to Know Week, September 24–28, 2018

During Right to Know Week, IAP professionals around the world speak up about the connection between a healthy democracy and government commitment to transparency. The IAP Services team held multiple activities during this week, including opportunities to ask questions via internal Yammer chats, articles of interest, and an open house for all department liaisons to share highlights of success during the year.

All Government Employees – Data Privacy Day, January 28, 2019

Fifty countries around the world mark Data Privacy Day every year to raise awareness and promote privacy and data protection best practices in government, industry, and non-profit organizations. IAP Services used the occasion as an opportunity to highlight the importance of privacy in our everyday work and had some interactive activities for government employees.

2018/19: Looking Ahead

Instructional Materials

The continuous change in technological advances, as well as changes in the access to information practices, will guide the work to identify new educational and training needs, as well as updating existing online learning modules.

New guidelines, interpretation notes to include precedent-setting court cases, etc., will continue to be developed in the fiscal 2019/20 and beyond to maintain current best practices and to capture process improvements as these are developed.

Privacy Certification Training

The privacy team and some members of the access to information team will take the two-day preparatory course "Canadian Privacy Training" and seek certification from the International Association of Privacy Professionals.

FOIPOP Case Management

The contract for the new system is expected to be awarded in fall 2019, with the build expected to begin by December 2019.

Reporting of Privacy Breaches

The immediate understanding that a breach has occurred is critical for its prompt containment. As such, the privacy team will work with the Information, Communications and Technology Services (ICTS) corporate team to develop and integrate the reporting of breaches into the major-incident process.

Privacy Metrics

IAP Services will continue efforts in the coming fiscal year to develop in-house metrics to statistically measure, monitor, and report on privacy impact assessments, privacy complaints, and privacy breaches. We will work with our Canadian counterparts to come to an understanding to establish national reporting indicators.

2018/19: The Year in Numbers

A Statistical Snapshot for 2018/19 **NEW**



1985 Applications received
1993 Applications completed
(includes carry overs from previous fiscal)



240,000 pages
Total pages reviewed, all applications



Stacked, these pages measure
80 feet or 7 storeys



32 days
Average response time per application



73% or 1448
Applications completed within 30 days



84% or 1679
Applications completed within legislated
timelines (*extensions were obtained in
compliance with the FOIPOP Act*)



177 pages
Average page count of responsive
records per application



13,162
Largest single page count in any
one application



\$7,775 Total Mandatory Application
fees collected
\$11,020 Total Processing fees collected
Trend Steadily downward since 2015

Understanding the Data

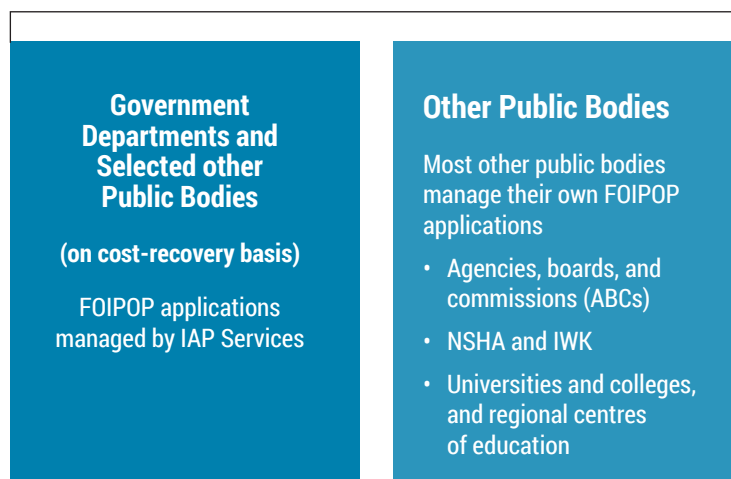
The information in this report is categorized according to whether the public entity falls under the jurisdiction of the FOIPOP Act or Part XX (20) of the Municipal Government Act.

As in years past, this year's report includes statistics on access to information applications received by provincial government departments; agencies, boards, and commissions (ABCs);

municipalities and other municipal services, universities/ colleges and regional centres of education, and the health sector (MASH).

ABCs and MASH-sector public bodies typically manage and track their own FOIPOP applications either under the FOIPOP Act or the Municipal Government Act. Each year, the provincial government offers space in this annual report from IAP Services to include the statistics submitted by these other public entities.

FOIPOP ACT

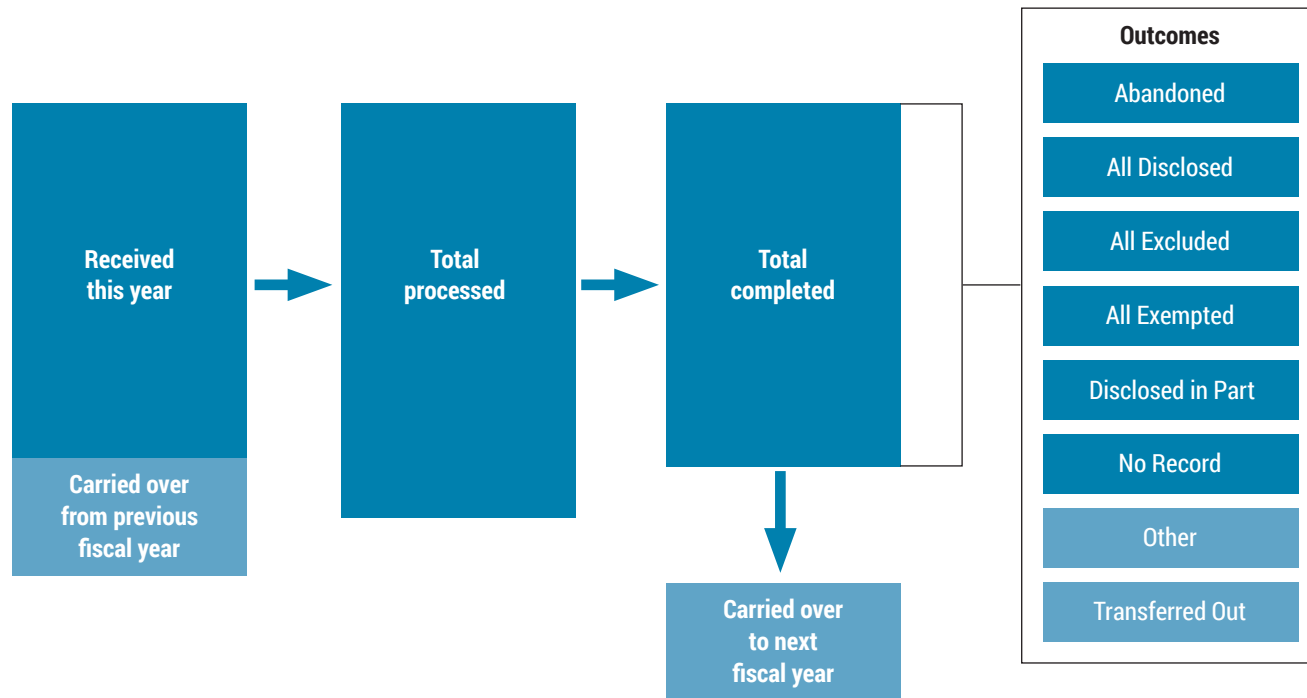


MGA



How Applications Are Received and Processed

The following diagram shows how the government's FOIPOP applications are processed and explains key terms used throughout this report. The diagram illustrates how information is captured in our case-management system.



Outcomes – Decision Types

The outcomes of an access to information request can be any one of the following decisions on disclosure:

Abandoned	The application may be abandoned for a variety of reasons, for example, if the applicant no longer wishes to proceed, has not paid the required processing fees, or has not responded to clarifying questions.
All Disclosed	The relevant public body has released all requested information.
All Excluded	<p>The FOIPOP Act does not apply to some kinds of information in the custody or control of a public body. This information is, therefore, excluded from the jurisdiction of the act. Excluded information ranges from information that is already published to records of the Ombudsman or a record about a prosecution that is still underway.</p> <p>Or, the information may be governed by statutes that prevail over the FOIPOP Act, which excludes the information from the jurisdiction of the FOIPOP Act. The list of statutes that prevail over the act can be found in subsection 4A(2) of the FOIPOP Act and subsection 464A(2) in Part XX (20) of the Municipal Government Act. Examples of information excluded in this way are maintenance-enforcement records and vital statistics.</p>
All Exempted	The application is denied by the public body in accordance with one or more of the 10 limited exemptions.
Disclosed in Part	Less than 100 per cent of the requested information has been released, for one or more reasons. Because the presumption of the act is to disclose, access rights are limited by 10 reasons only, which are laid out specifically in the legislation as exemptions. These range from advice given by or to a public body, to health and safety or law enforcement, etc.
No record	The requested information does not exist.
Other/Treated Informally	This is used when the outcome does not fit into one of the other categories or the information was provided outside the FOIPOP Act.
Transferred Out	The application is valid but has been submitted to the wrong public body, and, therefore, has been transferred to the correct entity for processing.

Carried Over is Not Included in Outcomes: Applications not completed by March 31st of a fiscal year are carried over to the next reporting period. Carried over is the difference between total applications received and total applications completed.

FOIPOP—Statistics for the Province of Nova Scotia

Applications Received and Completed

Government Departments*



■ 2016/17 ■ 2017/18 ■ 2018/19

**Includes the Art Gallery of Nova Scotia, Nova Scotia Business Inc. (NSBI), Tourism Nova Scotia, and Develop Nova Scotia*

IAP Services provides access and privacy services to these agencies/Crown corporations on a cost-recovery basis

FOIPOP Applications Received by Each Department/Client of IAP Services

Department	2016/17	2017/18	2018/19
Aboriginal Affairs	7	9	6
Agriculture	9	12	19
Art Gallery of Nova Scotia	n/a	0	2
Business	18	24	18
Communities, Culture and Heritage	25	25	14
Communications Nova Scotia	18	13	4
Community Services	326	297	303
Develop Nova Scotia	n/a	3	12
Education and Early Childhood Development	58	53	44
Energy and Mines*	19	12	27
Environment	983	1127	923
Executive Council Office	28	14	13
Finance and Treasury Board	24	20	23
Fisheries and Aquaculture	8	9	10
Health and Wellness	140	112	86
Immigration	10	11	12
Intergovernmental Affairs	6	12	4
Internal Services	35	20	28

Department	2016/17	2017/18	2018/19
Justice	100	111	121
Labour and Advanced Education	112	75	41
Lands and Forestry**	44	43	75
Municipal Affairs	37	48	40
Nova Scotia Business Inc.	5	13	5
Premier's Office	33	29	35
Public Prosecution Service	25	18	11
Public Service Commission	25	27	12
Seniors	2	4	2
Service Nova Scotia	13	22	18
Strategy Management***	n/a	0	3
Tourism Nova Scotia**	9	11	1
Transportation and Infrastructure Renewal	83	105	73

*Department of Energy and Mines was previously reported as Department of Energy

**Department of Lands and Forestry was previously reported as Department of Natural Resources

***Office of Strategy Management, created in 2017, received no applications until fiscal 2018/19

Number of Applications Completed by Government of Nova Scotia in 30 days

	2016/17	2017/18	2018/19
Applications Completed in 0 to 30 days	1,777	1,838	1,448
Total Applications Completed	2,206	2,243	1,993

**Includes the Art Gallery of Nova Scotia, NSBI, Tourism Nova Scotia, and Waterfront Development Corporation*

Extra time is often required to process access requests beyond the 30-day timeline because

- a wide-ranging request for many document types over many years means searching large record volumes in multiple program areas
- one application sent to all departments requires broad consultation with other public bodies
- Consultations with third-party businesses and/or more time is needed to determine applicable processing fees and/or fee waivers

Compliance Rate

Taking extra time to process an access request is a normal part of the FOIPOP process, provided the proper authorizations are in place. This part of the process is measured by the compliance rate, which is the only comprehensive measure of how well a department processes its FOIPOP applications according to the full set of time deadlines and authorized extensions that are available for doing so over the whole 30- to 60+-day timeframe.

Rate of Disclosure without an Extension

The rate of disclosure after 30–60+ days without a valid extension is the flip side of the compliance rate. It shows how often a department misses the act's time deadlines without authorized extensions. While commonly referred to as the rate of "deemed refusal," this rate does not measure a refusal to disclose records: it measures a *delay* in disclosing records as a percentage of total files processed.

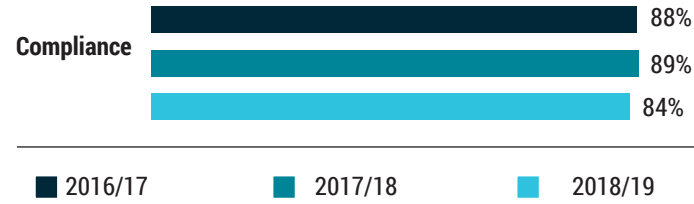
30-day Response Rate

The 30-day turnaround rate is the initial measure of performance. It is able simply to capture the time it takes a department to respond to an applicant in the first 30 days of the FOIPOP application process. This rate cannot account for compliance that occurs within other authorized deadlines that occur over the subsequent days of the process.

While compliance, deemed-refusal, and 30-day response rates are all tracked, the compliance rate gives the most accurate picture of how well a department does in processing FOIPOP applications overall.

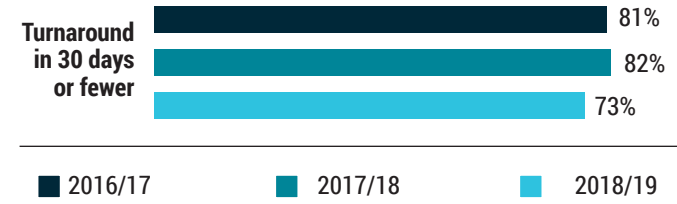
Compliance Rate vs. Rate of Disclosure after 30–60+ days without Valid Extensions

Government Departments/Clients of IAP Services

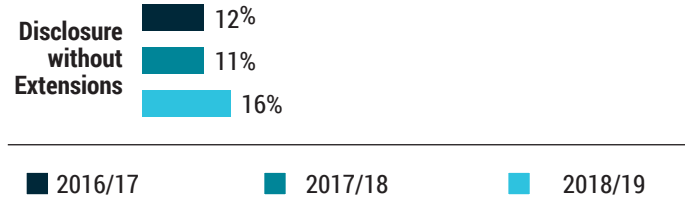


30-day Response Rate

Government Departments/Clients of IAP Services

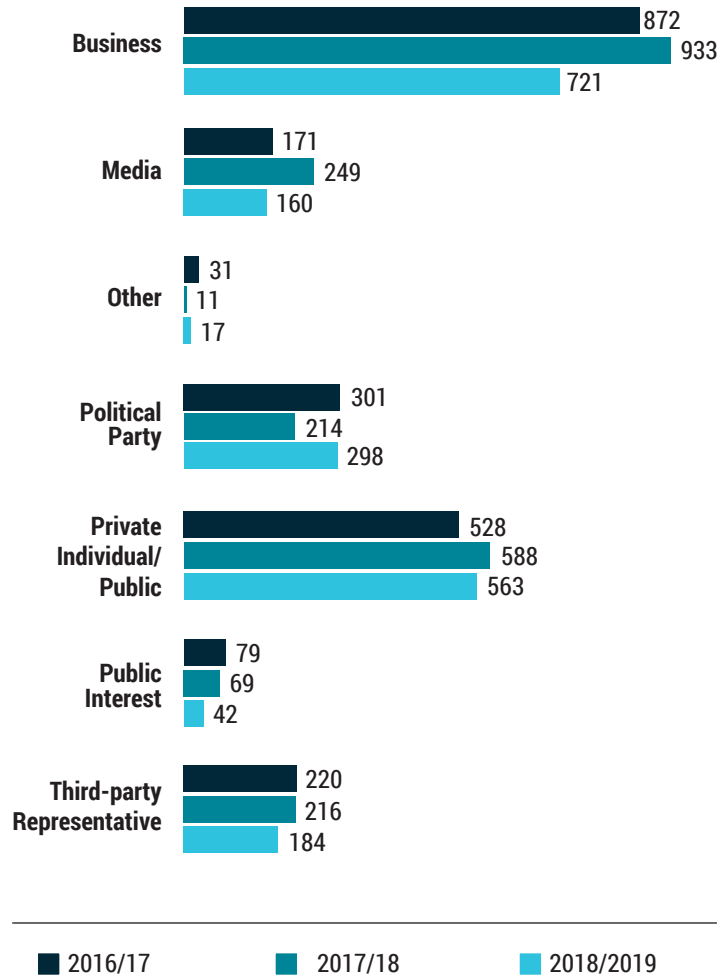


Government Departments/Clients of IAP Services



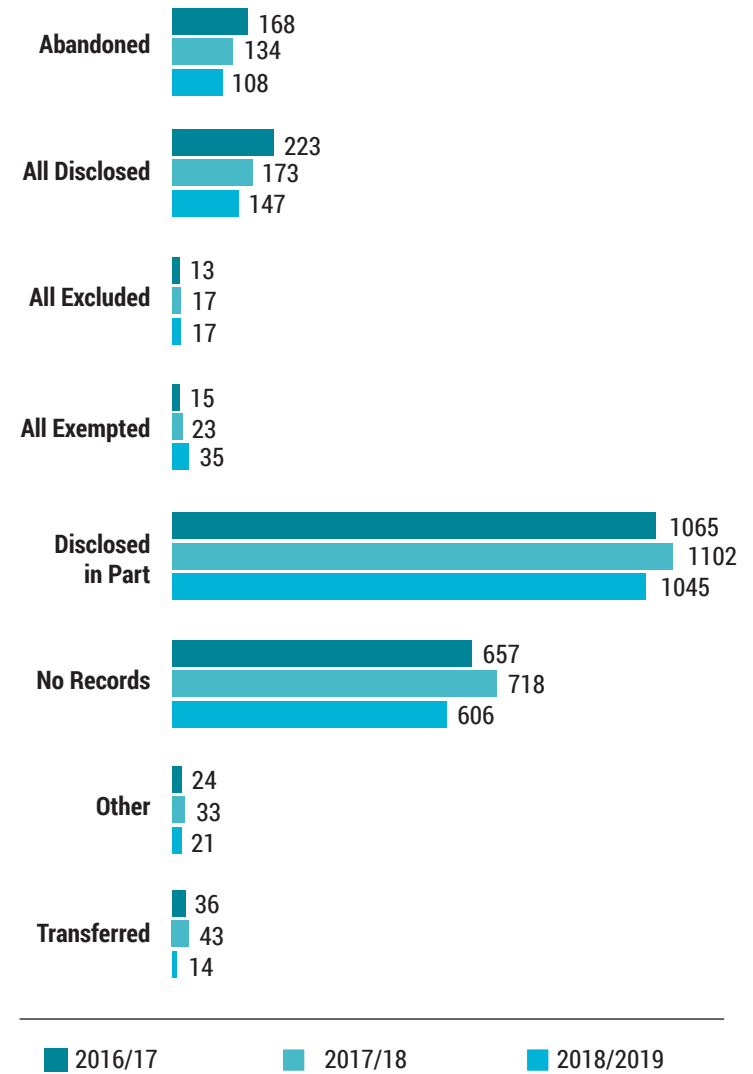
Applicant Type

Government Departments/Clients of IAP Services



Outcomes - Decision Type

Government Departments/Clients of IAP Services



Fees– Government of Nova Scotia*

	FY 2016/2017	FY 2017/2018	FY 2018/2019
Application Fees	\$8,605.00	\$9,850.00	\$7,775.00
Processing Fees	\$18,396.00	\$12,718.00	\$11,019.80
Total	\$27,001.00	\$22,568.00	\$18,794.80

No fees apply if an applicant asks for their own personal information.

An applicant requesting general information must pay a mandatory application fee of \$5, and additional fees may be charged for processing. The fees cover the work of locating, retrieving, preparing, and shipping the record.

Year-over-year fee totals declined in FY 2018/19, a steady downward trend since 2015. Of the 1,613 applications for general information last year, processing fees were collected for 54 of them, or 3 per cent.

FOIPOP Applications in Review

Of the 1,993 applications completed by departments in FY 2018/19, an estimated 63 (3 per cent) went to review, up from 50 applications (2 per cent) in FY 2017/18 and roughly the same number of applications as the 64 (3 per cent) that went to review the year before that.

IAP Services Total FOIPOP files

Fiscal year	Completed FOIPOP files	Reviews requested	Rate
2018/19*	1,993	63	3%
2017/18	2,243	50	2%
2016/17	2,206	64	3%

A small portion of the 63 files that went to the OIPC were complaints about deemed refusal – when a public body misses a deadline without authorization. Most deemed refusals were solved through the informal resolution process.

FOIPOP - Other Public Bodies (ABCs, Health Authorities, Universities, Colleges, and School Boards)

Most public bodies outside the provincial government that receive FOIPOP applications track their own applications independently. The data presented in this section originated with those organizations that reported their fiscal 2018/19 statistical information to IAP Services for inclusion in this report.

In some instances, the total number completed may not match the total number of applications received. This is because some applications were abandoned, transferred, or carried over to the next reporting period.

Applications Received and Completed by Other Public Bodies Under the FOIPOP Act

Agencies, Boards and Commissions	FY 2018/19 Received	FY 2018/19 Completed
Divert NS	3	3
Elections NS	0	0
Halifax Harbour Bridges	2	2
Innovacorp	0	0
Nova Scotia Human Rights Commission	-	-
Nova Scotia Legal Aid	3	3
Nova Scotia Liquor Corporation	-	-
Nova Scotia Gaming Corporation	0	0
Nova Scotia Securities Commission	0	0
Nova Scotia Utility and Review Board	1	1
Office of the Police Complaints Commissioner	0	0
Serious Incident Response Team	0	0
Trade Centre Limited/ Events East	0	0
Workers' Compensation Board of Nova Scotia	16	17
Total	25	26
Health Authorities		
IWK	13	11
Nova Scotia Health Authority	85	83
Total	98	94

Universities, Colleges, and Regional Centres for Education		
Acadia University	2	2
Annapolis Valley Regional Centre for Education	15	20
Atlantic Provinces Special Education Authority	-	-
Cape Breton University	5	4
Cape Breton-Victoria Regional Centre for Education	19	19
Chignecto-Central Regional Centre for Education	10	10
Conseil scolaire acadien provincial	0	4
Dalhousie University	40	36
Halifax Regional Centre for Education	69	61
Mount Saint Vincent University	5	4
Nova Scotia College of Art and Design	5	5
Nova Scotia Community College	7	7
St. Francis Xavier University	4	4
St. Mary's University	6	5
South Shore Regional Centre for Education	20	16
Strait Regional Centre for Education	7	8
Université Sainte-Anne	2	2
University of King's College	1	1
Total	217	208

Note: 0 in the above chart means the public body received no applications;
a dash (-) means they did not report statistics to IAP Services

FOIPOP Statistics for Other Public Bodies (Municipal Entities)

Municipal entities are subject to Part XX (20) of the Municipal Government Act, which is very similar to the FOIPOP Act. These entities track their own applications for access to information independently of the statistics kept by government departments. Municipalities presented the following statistics to IAP Services for fiscal 2018/19. In some instances, the total number completed may not match the total number of applications received. This is because applications were abandoned, transferred, or carried over to the next reporting period.

Applications Received and Completed by Other Public Bodies under the Municipal Government Act

Name of Municipality	2018/19 Received	2018/19 Completed
Amherst Police Department	14	14
Annapolis Royal Police Department	3	5
Bridgewater Police Service	13	13
Cape Breton Regional Municipality	9	6
Cumberland Joint Services Management Authority	0	0
Halifax Regional Municipality	630	645
Halifax Regional Police	369	363
Halifax Water	5	3
Municipality of the County of Richmond	1	1
Municipality of the County of Annapolis	12	12

Name of Municipality	2018/19 Received	2018/19 Completed
Municipality of the County of Antigonish	2	2
Municipality of the County of Cumberland	0	0
Municipality of the County of Inverness	0	0
Municipality of the County of Kings	31	27
Municipality of the County of Pictou	0	0
Municipality of the District of Argyle	1	1
Municipality of the District of Barrington	0	0
Municipality of the District of Chester	4	4
Municipality of the District of Digby	1	1
Municipality of the District of East Hants	2	2
Municipality of The District of Guysborough	1	1
Municipality of the District of Lunenburg	6	6
Municipality of Victoria County	0	0
Municipality of the District of West Hants	-	-
Municipality of the District of Yarmouth	2	2
New Glasgow Regional Police	6	0
Region of Queens Municipality	11	11
South Shore Regional Library Board	0	0
Town of Amherst	1	1
Town of Annapolis Royal	2	3

Name of Municipality	2018/19 Received	2018/19 Completed
Town of Bridgewater	1	1
Town of Digby	0	0
Town of Kentville	4	2
Town of Lockeport	1	1
Town of Mahone Bay	1	1
Town of Middleton	2	2
Town of Oxford	0	0
Town of Pictou	0	0
Town of Shelburne	1	1
Town of Stellarton	0	0
Town of Stewiacke	0	0
Town of Trenton	-	-
Town of Truro	6	5
Town of Westville	3	3
Town of Windsor	1	1
Town of Wolfville	4	3
Town of Yarmouth	-	-
Truro Police Service	-	-
Village of Bible Hill	1	1
Total	1151	1144

Note: 0 in the above chart means the public body received no applications; a dash (-) means they did not report statistics to IAP Services

Fees – Other Public Bodies

2018/19	Application Fees	Processing Fees
Other Public Bodies	\$ 1,005.00	\$ 4,526.24
Municipal Entities (Municipal Government Act)	\$ 4,785.00	\$ 4,044.40
Total	\$ 5,790.00	\$ 8,570.64

Note: Fees reflect both application fees and processing fees that were paid