



Information Access and Privacy Services

Annual Report
2022/23

Contents

Letter from the Minister	1
About IAP Services	2
A Statistical Snapshot for 2022/23	3
FOIPOP Statistics for the Government of Nova Scotia	4
Applications Received and Completed.....	4
Compliance and 30-day Response Rates.....	5
FOIPOP Applications Received by Each Department/Client of IAP Services	7
Applicant Type.....	9
Outcomes – Decision Types	9
Files at Review with the Office of the Information and Privacy Commissioner (OIPC)	10
FOIPOP Applications in Review.....	10
Acceptance Rate – OIPC Review Recommendations	10
Fees – Government of Nova Scotia	11
FOIPOP Statistics for Other Public Bodies and Municipal Entities	12
Fees – Other Public Bodies	14
Appendix – Understanding the Data	15


Letter from the Minister

I am pleased to provide the 2022/23 annual report for Information Access and Privacy (IAP) Services. The facts and figures presented in the following pages provide an in-depth look at government's performance in operationalizing the *Freedom of Information and Protection of Privacy (FOIPOP) Act*. This work is led by our team at IAP Services within Service Nova Scotia.

While the volume of requests received under FOIPOP remained high again this year, we saw an improvement in response times, with 80 per cent being completed in 30 days or less. The overall compliance rate saw 91 per cent of files being

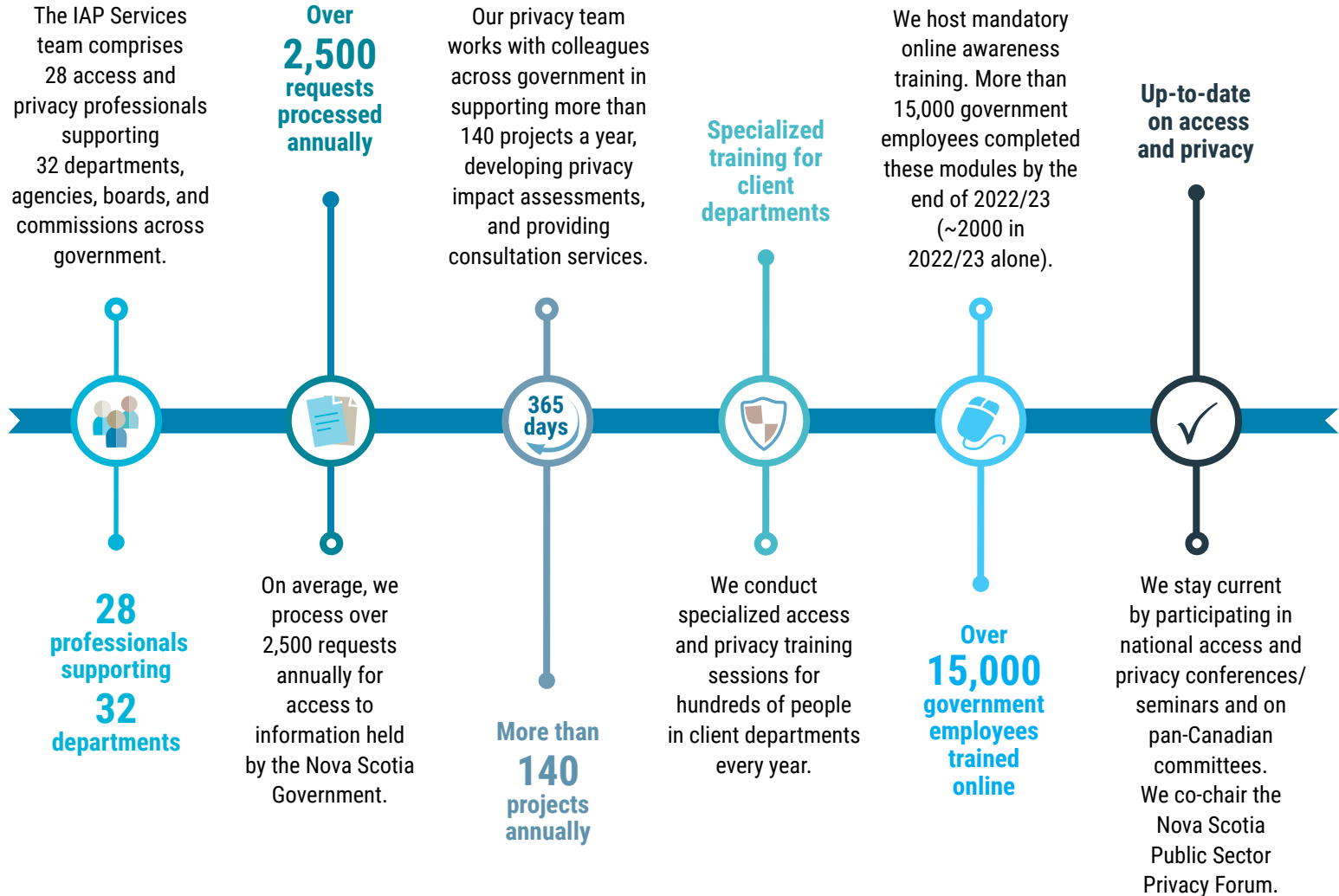
completed within legislated timelines. Our IAP experts also worked with colleagues across government to manage the privacy provisions under the act, providing strategic leadership in balancing citizens' rights of access while ensuring a culture of privacy-by-design is promoted.

I would like to thank the team at IAP Services and our corporate partners for their ongoing commitment to this important work.

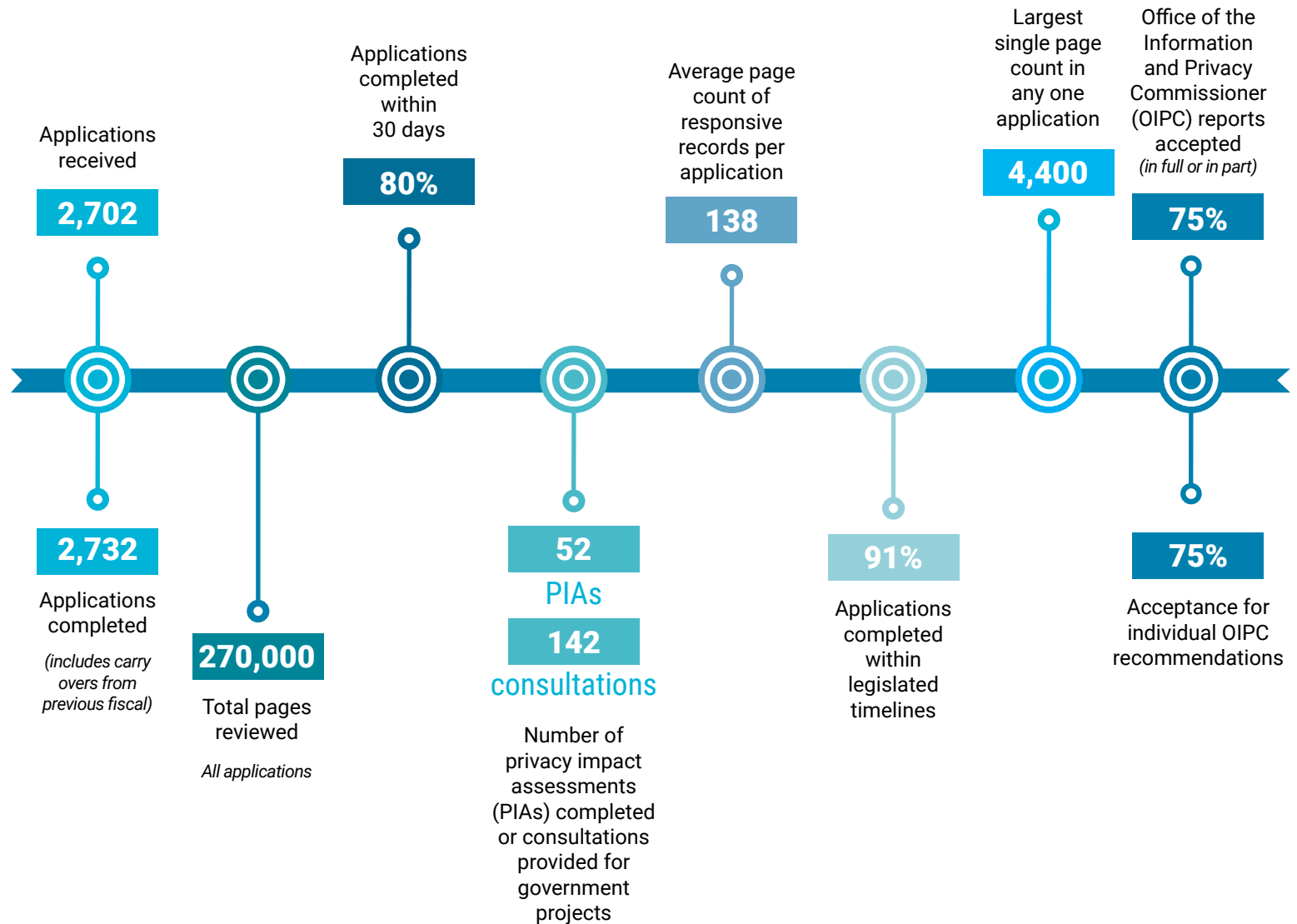


Hon. Colton LeBlanc
Minister of Service Nova Scotia

About IAP Services



A Statistical Snapshot for 2022/23



FOIPOP Statistics for the Government of Nova Scotia

Applications Received and Completed

Government Departments*



■ 2020/21 ■ 2021/22 ■ 2022/23

**Includes the Art Gallery of Nova Scotia, Build Nova Scotia, Invest Nova Scotia, and the Nova Scotia Provincial Housing Agency. IAP Services provides access and privacy services to these agencies/Crown corporations on a cost-recovery basis.*

Compliance and 30-day Response Rates

	2020/21	2021/22	2022/23
Applications completed in compliance with legislation	1,678	2,512	2,479
Applications completed in 0–30 days	1,393	2,110	2,178
Total applications completed	1,875	2,767	2,732

Compliance Rate

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

30-day Response Rate

The 30-day turnaround rate is the initial measure of performance. It captures the time it takes a department to respond to an applicant in the first 30 days of the FOIPOP application process.

Extensions

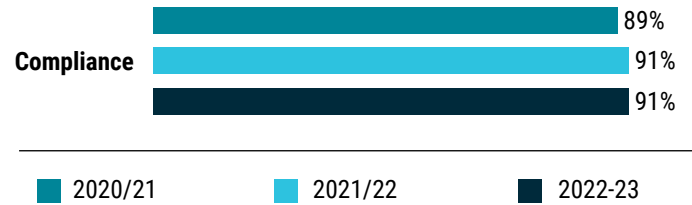
The FOIPOP Act recognizes that extra time is sometimes required to process access requests beyond the 30-day timeline because

- 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
- more information is needed from the applicant to clarify the scope and identify responsive records
- responsive records could require third-party consultations

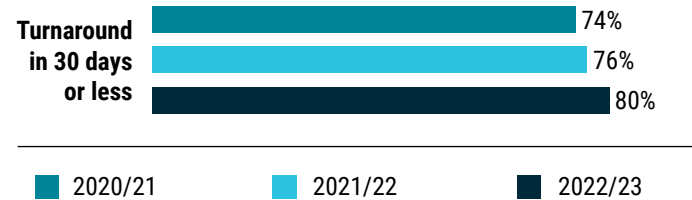
In 2022/23, 91 per cent of all files were completed on time (80 per cent within 30 days, 6 per cent within 60 days, and 5 per cent beyond 60 days with the approval of the Office of the Information and Privacy Commissioner).

Government Departments / Clients of IAP Services

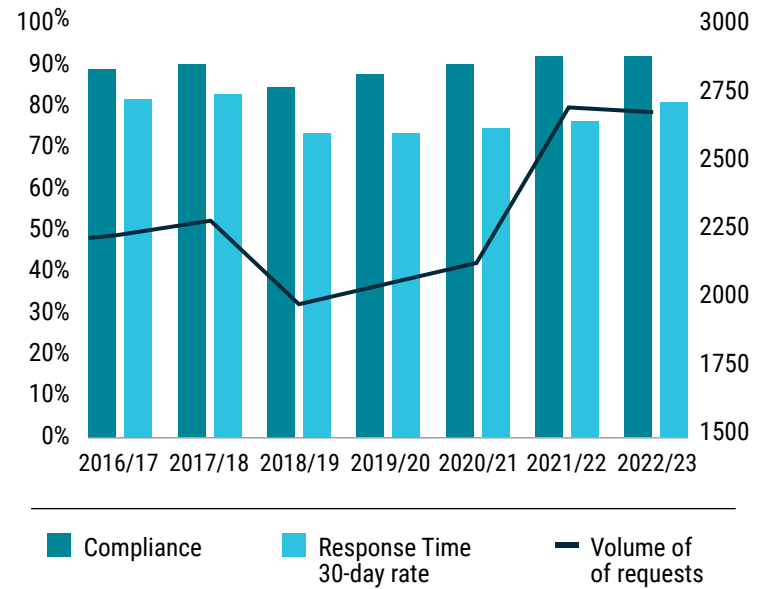
Government Departments/Clients of IAP Services



Government Departments/Clients of IAP Services



Trends - Response Times and Volume of Requests



FOIPOP Applications Received by Each Department/Client of IAP Services

Department	2020/21	2021/22	2022/23
Advanced Education ¹	n/a	6	9
Agriculture	25	19	18
Art Gallery of Nova Scotia	1	5	4
Build Nova Scotia ²	n/a	n/a	11
Communications Nova Scotia	5	9	13
Communities, Culture, Tourism and Heritage ³	12	28	22
Community Services	257	343	419
Develop Nova Scotia ⁴	8	9	2
Economic Development ⁵	26	17	29
Education and Early Childhood Development	30	42	46
Energy and Mines ⁶	13	n/a	n/a
Environment and Climate Change ⁷	863	1,117	1,129
Equity and Anti-Racism ⁸	n/a	3	11
Executive Council Office	14	15	11
Finance and Treasury Board	15	24	47
Fisheries and Aquaculture	16	16	18
Health and Wellness	154	313	202
Healthcare Professionals Recruitment	0	0	5
Immigration and Population Growth ⁹	6	n/a	n/a
Infrastructure and Housing ¹⁰	9	n/a	n/a
Intergovernmental Affairs	6	4	4

¹ On August 31, 2021, Advanced Education was split from Labour and Advanced Education to form a separate department.

² Build Nova Scotia was established as a Crown corporation as of December 1, 2022, replacing the previous Nova Scotia Lands Inc. and Develop Nova Scotia.

³ After August 31, 2021, Communities, Culture and Heritage was merged with Tourism Nova Scotia to become Communities, Culture, Tourism and Heritage.

⁴ After December 1, 2022, requests related to the former Develop Nova Scotia were received by Build Nova Scotia.

⁵ Prior to February 23, 2021, the Department of Inclusive Economic Growth was known as the Department of Business and on August 31, 2021, the name was changed to Economic Development.

⁶ On August 31, 2021, the departments of Lands and Forestry and Energy and Mines were merged into Natural Resources and Renewables.

⁷ Prior to February 23, 2021, the Department of Environment and Climate Change was known as the Department of Environment.

⁸ Equity and Anti-Racism was formed on February 23, 2021.

⁹ Labour, Skills and Immigration was created on August 31, 2021, from the departments of Immigration and Population Growth and the Labour portion of the former Labour and Advanced Education.

¹⁰ On February 23, 2021, the Department of Transportation and Infrastructure Renewal was replaced by two new departments: Transportation and Active Transit, and Infrastructure and Housing. On August 31, 2022, Transportation and Active Transit and the Infrastructure portion reformed to Public Works.

Department	2020/21	2021/22	2022/23
Invest Nova Scotia ¹¹	n/a	n/a	13
Justice	155	209	158
Labour and Advanced Education ¹²	53	n/a	n/a
Labour, Skills and Immigration	n/a	91	66
Lands and Forestry ¹³	109	n/a	n/a
L'nu Affairs	6	8	2
Municipal Affairs and Housing ¹⁴	64	88	86
Natural Resources and Renewables ¹⁵	n/a	81	76
Nova Scotia Business Inc. ¹⁶	8	11	2
Nova Scotia Provincial Housing Agency ¹⁷	n/a	n/a	6
Premier's Office	37	82	76
Public Prosecution Services	15	19	14
Public Service Commission	13	22	26
Public Works ¹⁸	n/a	61	72
Regulatory Affairs and Service Effectiveness ¹⁹	n/a	2	2
Seniors and Long-Term Care ²⁰	1	18	27
Service Nova Scotia and Internal Services	30	52	75
Priorities and Planning ²¹	1	2	1
Tourism Nova Scotia ²²	1	n/a	n/a
Transportation and Active Transit ²³	4	n/a	n/a
Transportation and Infrastructure Renewal ²⁴	82	n/a	n/a

¹¹ Invest Nova Scotia was established as a Crown corporation as of December 1, 2022, replacing the previous Nova Scotia Business Inc. (NSBI) and Innovacorp.

¹² Labour, Skills and Immigration was created on August 31, 2021, from the departments of Immigration and Population Growth and the Labour portion of the former Labour and Advanced Education.

¹³ On August 31, 2021, the departments of Lands and Forestry and Energy and Mines were merged into Natural Resources and Renewables.

¹⁴ Prior to February 23, 2021, the Department of Municipal Affairs also included Housing. After February 23, 2021, Housing became part of the new Department of Infrastructure and Housing. On August 31, 2022, Housing returned to the Department of Municipal Affairs and, by the end of 2022, the new Nova Scotia Provincial Housing Agency was established.

¹⁵ On August 31, 2021, the departments of Lands and Forestry and Energy and Mines were merged into Natural Resources and Renewables.

¹⁶ After December 1, 2022, requests related to the former NSBI were received by the newly established Invest Nova Scotia.

¹⁷ Prior to February 23, 2021, the Department of Municipal Affairs also included Housing. After February 23, 2021, Housing became part of the new Department of Infrastructure and Housing. On August 31, 2022, Housing returned to the Department of Municipal Affairs and, by the end of 2022, the new Nova Scotia Provincial Housing Agency was established.

¹⁸ On February 23, 2021, the Department of Transportation and Infrastructure Renewal was replaced by two new departments: Transportation and Active Transit, and Infrastructure and Housing. On August 31, 2022, Transportation and Active Transit and the Infrastructure portion reformed to Public Works.

¹⁹ Regulatory Affairs and Service Effectiveness became a client of IAP Services in fiscal 2021/22.

²⁰ On August 31, 2021, long-term care was split from Health and Wellness to form Seniors and Long-Term Care.

²¹ On August 31, 2021, the Office of Strategy Management was changed to the Office of Priorities and Planning.

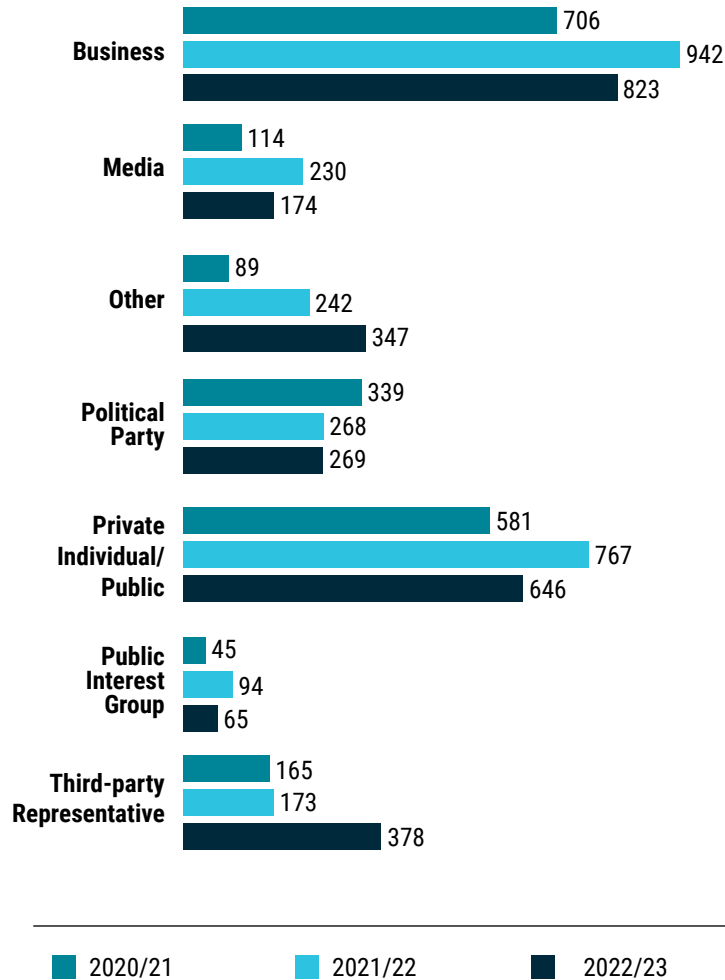
²² After August 31, 2021, Communities, Culture and Heritage was merged with Tourism Nova Scotia to become Communities, Culture, Tourism and Heritage.

²³ On February 23, 2021, the Department of Transportation and Infrastructure Renewal was replaced by two new departments: Transportation and Active Transit, and Infrastructure and Housing. On August 31, 2022, Transportation and Active Transit and the Infrastructure portion reformed to Public Works.

²⁴ On February 23, 2021, the Department of Transportation and Infrastructure Renewal was replaced by two new departments: Transportation and Active Transit, and Infrastructure and Housing. On August 31, 2022, Transportation and Active Transit and the Infrastructure portion reformed to Public Works.

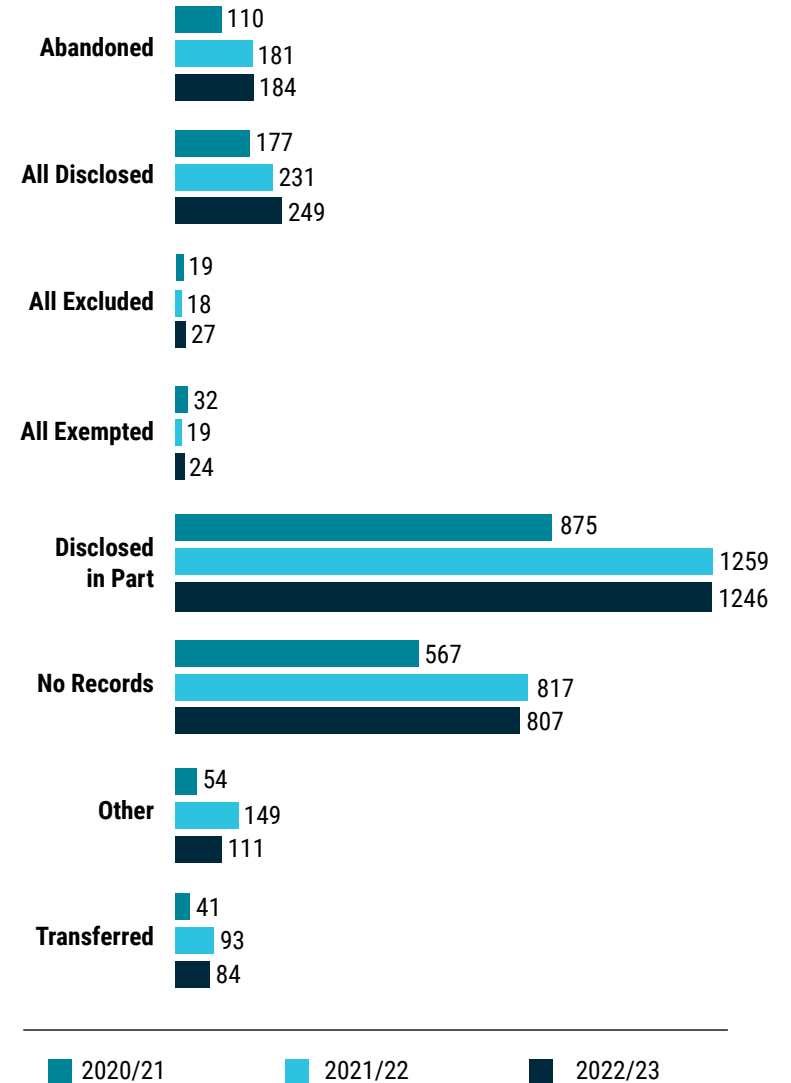
Applicant Type

Government Departments/Clients of IAP Services



Outcomes - Decision Type

Government Departments/Clients of IAP Services



Files at Review with the Office of the Information and Privacy Commissioner (OIPC)

FOIPOP Applications in Review

Of the 2,732 applications completed by departments in 2022/23, an estimated 2 per cent (58 files) went to review, a decrease from the percentage of files that went to review in 2021/2022.

IAP Services Total FOIPOP files

Fiscal Year	Completed FOIPOP Files	Reviews Requested	Rate
2020/21	1,875	67	3.5%
2021/22	2,767	88	3.0%
2022/23	2,732	58	2.0%

A portion of the files (approx. eight in total or less than 1 per cent) that went to the OIPC were complaints about deemed refusals: that is when a public body misses a deadline without authorization. Most deemed refusals were solved through the informal resolution process and the files closed once the public body issued its decision to the applicant.

Acceptance Rate – OIPC Review Recommendations

The OIPC has set a benchmark of 65 per cent as the target recommendation acceptance rate for public bodies. Of the 11 review reports issued by the OIPC in 2022/23, four were directed at IAP Services' clients. Of those four reports, the recommendations in the reports were accepted 75 per cent

of the time (two in full and one in part). Contained within the four reports were eight individual recommendations – six of which were accepted by government (75 per cent). As with the acceptance rate for the previous year, core government departments that received services from IAP consistently exceeded the benchmark rate of 65 per cent as set by the OIPC.

OIPC Review Report Recommendations – Acceptance Rate by IAP Services' Client Departments

Fiscal Year	OIPC Review Reports Issued	Total Number of Recommendations	Acceptance Rate by Report	Acceptance Rate by Recommendation
2020/21	6	16	83% in full or in part	88% (14 out of 16 recommendations accepted)
2021/22	15	26	87% in full or in part	77% (20 out of 26 recommendations accepted)
2022/23	4	8	75% in full or in part	75% (6 out of 8 recommendations accepted)

Fees– Government of Nova Scotia

	FY 2020/21	FY 2021/22	FY 2022/23
Application Fees	\$8,395.00	\$10,515.00	\$9,490.00
Processing Fees	\$18,888.60	\$40,175.00	\$18,942.00
Total	\$27,283.60	\$50,690.00	\$28,432.00

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

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

Of the 2,732 applications closed last year, processing fees were collected for 58 of them, or 2 per cent.

FOIPOP Statistics for Other Public Bodies and Municipal Entities

Agencies, Boards, and Commissions; Health Authorities; Universities and Colleges; and Regional Centres for Education

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 2022/23 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 2022/23 Received	FY 2022/23 Completed
Divert Nova Scotia	0	0
Elections Nova Scotia	1	0
Halifax Harbour Bridges	0	0
InnovaCorp	5	0
Nova Scotia Human Rights Commission	6	6
Nova Scotia Gaming Corporation	3	3
Nova Scotia Legal Aid	3	3
Nova Scotia Liquor Corporation	0	1
Nova Scotia Securities Commission	0	0
Nova Scotia Utility and Review Board	0	0
Office of the Police Complaints Commissioner	1	1
Serious Incident Response Team	5	3
Trade Centre Limited / Events East	0	0
Workers' Compensation Appeal Tribunal	0	0
Workers' Compensation Board of Nova Scotia	11	11

Health Authorities	FY 2022/23 Received	FY 2022/23 Completed
IWK Health Centre	12	11
Nova Scotia Health (NSH)	220	157

Universities, Colleges, and Regional Centres for Education	FY 2022/23 Received	FY 2022/23 Completed
Acadia University	1	0
Annapolis Valley Regional Centre for Education	21	23
Atlantic School of Theology	0	0
Cape Breton University	8	4
Cape Breton-Victoria Regional Centre for Education	9	9
Chignecto Central Regional Centre for Education	16	14
Conseil scolaire acadien provincial	0	0
Dalhousie University	19	12
Halifax Regional Centre for Education	81	76
Mount Saint Vincent University	1	1
NSCAD	4	1
Nova Scotia Community College	3	3
St. Francis Xavier University	3	2
Saint Mary's University	6	6
South Shore Regional Centre for Education	18	18
Strait Regional Centre for Education	9	9
Tri-County Regional Centre for Education	40	39
Université Sainte-Anne	0	0
University of King's College	2	2

FOIPOP Statistics for Municipal Entities

Municipal entities are subject to Part XX (20) of the Municipal Government Act (MGA), which is 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 2022/23. In some instances, the total number of completed applications 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 MGA

Name of Municipal Entity	FY 2022/23 Received	FY 2022/23 Completed
Amherst Police Department	18	18
Annapolis Royal Police	1	1
Bridgewater Police Service	25	25
Cape Breton Regional Municipality	19	14
Cumberland Joint Services Management Authority	0	0
Halifax Public Library	0	0
Halifax Regional Municipality	750	748
Halifax Regional Police	408	390
Halifax Water Commission	13	6
Kentville Police Service	18	18
Municipality of the County Annapolis	9	10
Municipality of the County of Antigonish	2	0
Municipality of the County of Colchester	7	7
Municipality of the County of Inverness	1	1

Name of Municipal Entity	FY 2022/23 Received	FY 2022/23 Completed
Municipality of the County of Kings	0	0
Municipality of the County of Pictou	1	1
Municipality of the County of Richmond	2	1
Municipality of the County of Victoria	0	0
Municipality of the District of Argyle	0	0
Municipality of the District of Barrington	2	2
Municipality of the District of Chester	6	6
Municipality of the District of Digby	0	0
Municipality of the District of Guysborough	1	1
Municipality of the District of Lunenburg	4	5
Municipality of the District of St. Mary's	2	1
Municipality of the District of West Hants	6	3
Municipality of the District of Yarmouth	0	0
Municipality of East Hants	5	5
Region of Queens Municipality	8	6
South Shore Regional Library Board	0	0
Stellarton Police	0	0
Town of Amherst	3	3
Town of Annapolis Royal	0	0
Town of Antigonish	0	0
Town of Berwick	1	0
Town of Bridgewater	11	3
Town of Clark's Harbour	0	0
Town of Digby	1	1
Town of Kentville	7	2
Town of Lockeport	0	0

Name of Municipal Entity	FY 2022/23 Received	FY 2022/23 Completed
Town of Lunenburg	3	3
Town of Mahone Bay	1	1
Town of Middleton	0	0
Town of Mulgrave	0	0
Town of New Glasgow	0	0
Town of Oxford	0	0
Town of Port Hawkesbury	0	0
Town of Shelburne	0	0
Town of Stellarton	1	0
Town of Stewiacke	0	0
Town of Truro	6	6
Town of Wolfville	4	4
Town of Yarmouth	0	0
Village of Bible Hill	0	0
Village of St. Peter's	0	0

Fees – Other Public Bodies

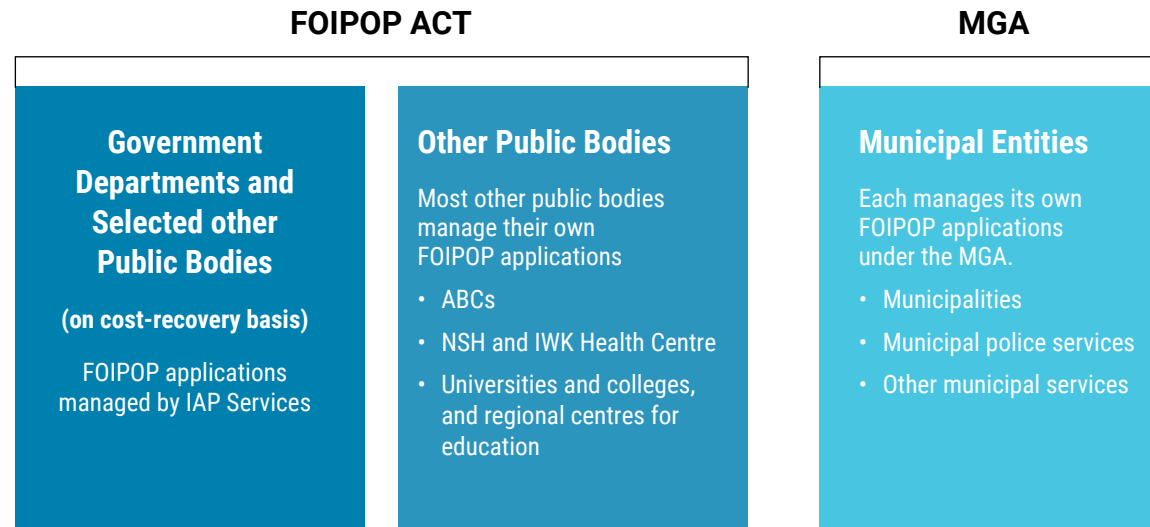
	Other Public Bodies	Municipal Entities (MGA)
Application Fees	\$1,025.00	\$5,335.00
Processing Fees	\$3,275.00	\$1,035.00
TOTAL	\$4,300.00	\$6,370.00

Note: Fees reflect both application and processing fees that were paid and reported to IAP Services by the other public bodies during the fiscal year.

Appendix – Understanding the Data

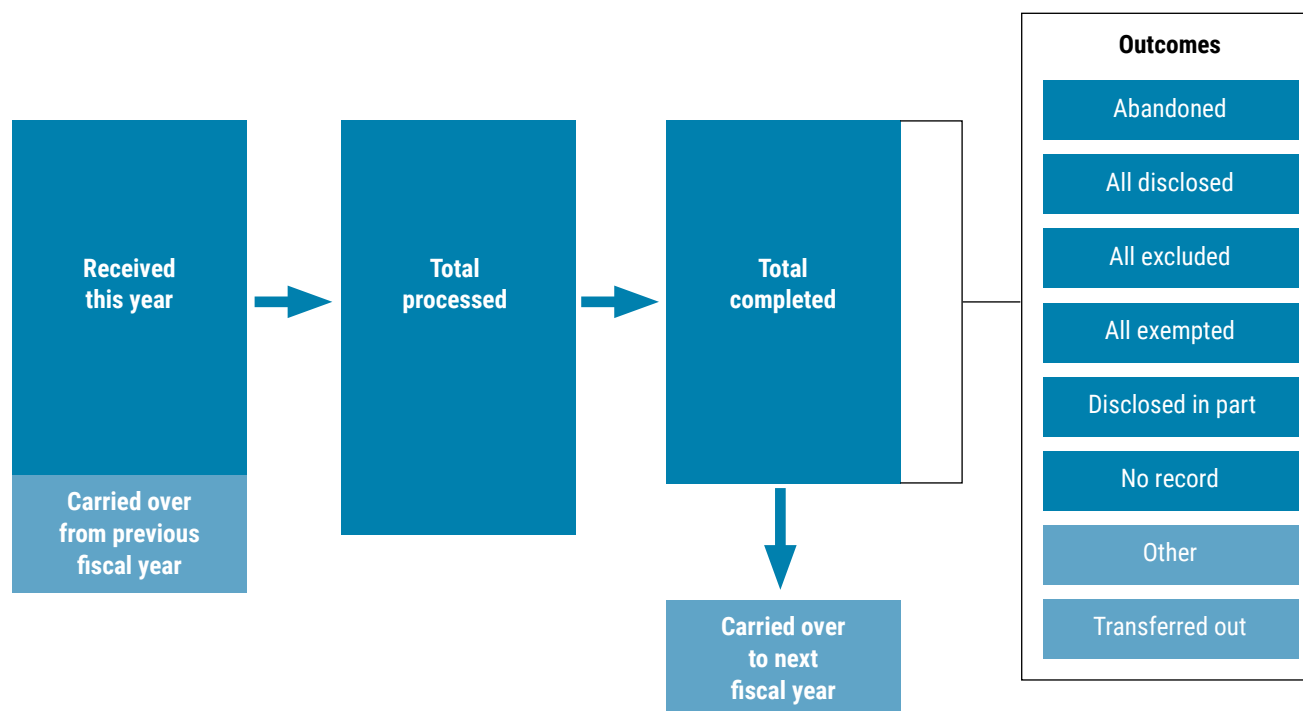
As in years past, this year’s report includes statistics on access to information applications received by provincial government departments; agencies, boards, and commissions (ABCs); and the municipal, academic, schools, and health sectors.

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



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 MGA. 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	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 31 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.