



Joint Statement on the Right to Information in Nova Scotia

The right to information is fundamental to a functioning democracy. Proper government accountability is only possible where the citizenry is able to fully understand the workings of government, which depends on a robust flow of information. In particular, civil society engagement depends on being able to access accurate, complete and timely information about areas of concern. However, the right to information belongs equally to all Nova Scotians. The people of this province deserve a robust and adequately resourced right to information system, in line with better practices across Canada and internationally.

Unfortunately, Nova Scotia's current right to information framework, under the Freedom of Information and Protection of Privacy Act (FOIPOP), is signally failing to deliver the level of transparency and access that the people of this province deserve. In particular, we note the following problems:

- **Delays in responding to access requests.** Although the FOIPOP says that public bodies should respond to requests within 30 days, this timeline is often breached. In 2013, Stephen McNeil promised to make the timeline legally binding, but his government has thus far failed to take action. There are also no time limits for the Review Office to conduct reviews of a request for access to a record or correction of personal information.

We call on the Nova Scotia Government to impose binding timelines of 30 days for responding to access requests. Extensions beyond this should require the consent of the Information and Privacy Commissioner. We also call on the Nova Scotia Government to establish specific time frames for the handling of review requests by the Information and Privacy Commissioner, such as 60 days from the date of the complaint.

- **Overuse of exceptions to deny access.** A transparent government should respect the principle of open by default, whereby information should always be disclosed if its release would not cause harm of a legitimate public interest.

We call on the Nova Scotia government to introduce a policy of “open by default”, and to limit classifications to instances where disclosure would cause demonstrable harm.

- **Poor proactive publication.** A strong system of proactive publication is vital to guaranteeing the right to know, and can help ease the administrative

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burden of responding to access requests.

We call on the Nova Scotia Government to expand proactive publication to place more relevant information online, and in particular to establish an environmental registry.

- **Excessive fees for access.** The right to information is a human right and a core government responsibility. Requesters who are exercising this right should not be expected to pay the entirety of costs associated with responding to a request, as this chills the flow of information.

We call on the Nova Scotia government to eliminate the fee for filing a request, and to only charge requesters for expenses actually incurred in reproducing and delivering the information.

- **Negative attitudes towards disclosure.** Despite the importance of transparency to democratic accountability, some public bodies still view requests for access with suspicion. Rather than seeking to disclose as much information as possible, as robust democratic accountability demands, they seem to seek out reasons to refuse or redact information.

We call on the Nova Scotia government to introduce a robust training program for public employees which emphasises the importance of the right to information and their responsibilities under the FOIPOP.

- **Lack of adequate remedies.** Implementation of the FOIPOP remains poor partly because Nova Scotia's Information and Privacy Commissioner lacks the mandate and legal tools to promote compliance. In 2013, Stephen McNeil promised to expand the Information and Privacy Commissioner's mandate and powers, including by granting them order-making powers, but his government has thus far failed to take action.

We call on the Nova Scotia government to expand the powers of the Information and Privacy Commissioner, particularly to include the power to make legally binding orders, and to make the position an Officer of the Legislature.

Signed:

Right to Know Coalition of Nova Scotia
Canadian Taxpayers Federation
Centre for Law and Democracy
Dalhousie Student Union
Ecology Action Centre

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Halifax Refugee Clinic
Margaree Environmental Association
Sierra Club