



24 May 2017

Nova Scotia: Still Waiting for Promised Right to Information Reform

Four years ago, [the Centre for Law and Democracy \(CLD\)](#) wrote to the three major political parties in Nova Scotia, calling on them to promise that, if elected, they would enact much needed improvements to Nova Scotia's outdated Freedom of Information and Protection of Privacy Act (FOIPOP). The [Liberal](#) and [Progressive Conservative](#) parties both formally promised to introduce these reforms, while the [New Democratic Party](#) refused to do so.

In the four years since then, [major reforms](#) have been passed in Newfoundland and Labrador, transforming the province's Access to Information and Protection of Privacy Act into the best in the country and indeed one of the best in the world. The federal government has also introduced some improvements to the Access to Information Act, and committed to major reforms by end 2018, albeit a delay from earlier promises to introduce reforms by winter 2017.

In contrast, despite a personal campaign promise from Stephen McNeil and his subsequent commitment to make Nova Scotia "the most open and transparent province in Canada", nothing has been done. Indeed, since his election, Premier McNeil has made troubling statements suggesting hostility to openness, most notably his unapologetic admission, in September 2016, that he deliberately uses phones to avoid accountability under FOIPOP. We also note that the Progressive Conservative party has done little to promote FOIPOP reform despite its promises and the NDP party has done even less.

Enough is enough. The reforms that Stephen McNeil promised in 2013 – namely to grant Nova Scotia's Information and Privacy Commissioner order-making power, to create binding time limits for responding to information requests and to limit claims of solicitor-client confidentiality by government lawyers – were hardly revolutionary or groundbreaking. On the contrary, they merely reflect the existing state of affairs in progressive systems around the world. Information and Privacy Commissioners already have order making power in six provinces, and most countries have clear and binding timelines for responding to requests, including many emerging democracies which lack the resources and information management capacity that Canada has.

We are deeply disappointed that Stephen McNeil failed to fulfil a core campaign promise that he made to the people of Nova Scotia in 2013. However, we still hold out hope that the next government will embrace this vital democratic right. We call on the leaders of all three major political parties to make a firm commitment to begin a robust review of the FOIPOP within one year of the election and to reform and modernise the law in line with

international standards. The people of Nova Scotia deserve an accountable and open government. We hope that this election might include honest promises from the competing parties to deliver this to us.

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