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Nova Scotia: Submission on the Right to Information Act

The Centre for Law and Democracy (CLD) is today launching publicly its [Submission to the Review of Nova Scotia’s Freedom of Information and Protection of Privacy Legislation](#) (FOIPOP Act). The Submission, which was provided in response to a [call for inputs](#) from the government of Nova Scotia, Canada, assesses the FOIPOP Act, which scores a weak 86 points on the RTI Rating (see [here](#) for the full Rating).

“The Nova Scotia Act dates from 1993 and is sorely in need of being amended both to improve it and to bring it into line with the modern digital information environment,” said Toby Mendel, Executive Director of CLD. *“We sincerely hope the government is serious about this review and that it will, in due course, introduce extensive amendments to the legislation.”*

The current government made a public commitment to amend the FOIPOP Act during its 2021 election campaign. While CLD hopes that the review will be robust, the committee which is reviewing the Act is composed entirely of officials and the head of the committee refused to meet with CLD when this was offered.

Some of the key recommendations from among the large number in CLD’s Submission include:

- The Act should be expanded to cover all bodies which are owned or controlled by government, which receive significant public funding and the judiciary.
- Consideration should be given to adding a section on proactive disclosure to the Act.
- The ability to extend the time limits for responding to requests beyond 60 days should be eliminated or substantially constrained and no fees should be charged for staff time spent responding to requests.
- The Act should set overriding standards for the secrecy provisions in other laws which it preserves, and the regime of exceptions should be substantially revised so as to protect only legitimate interests against harm, to make application of the public interest override mandatory and to impose sunset clauses on all exceptions that protect public interests.
- The independence of the Commissioner should be substantially improved, including by making it an office of the legislature, and the Commissioner should be given binding order-making power.
- Broader and more effective sanctions should be in place for officials who wilfully flout the provisions of the Act.

The Submission is available [here](#).

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