


Chapter:	Access and Disclosure of Information	Classification:	Public Document
Subject:	Freedom of Information and Protection of Privacy Act		
For:	Entire Division	 Authorized by Executive Director	


1. Policy

- 1.1 The Correctional Services Division will ensure personal information is protected and access to information is made in accordance with
- 1.1.1 *Freedom of Information and Protection of Privacy Act (FOIPOP)*
 - 1.1.2 *Personal Information International Disclosure Protection Act*
 - 1.1.3 *Personal Health Information Act*
 - 1.1.4 Government-wide Privacy Policy in the Corporate Administrative Policy Manual at Section 4.11
 - 1.1.5 *Youth Criminal Justice Act (YCJA)*
 - 1.1.6 *Youth Justice Act (YJA)*
 - 1.1.7 other applicable legislation
- 1.2 For the protection of personal information and access to information about young persons, the provisions of the federal *Youth Criminal Justice Act (YCJA)* and the *Youth Justice Act (YJA)* may take precedence over *FOIPOP* and other privacy legislation.

2. Freedom of Information and Protection of Privacy Act

- 2.1 Staff are required to be familiar with *FOIPOP*, the *YCJA* and other privacy legislation.
- 2.2 Staff will only collect, access, store, use, disclose and dispose of personal information where authorized by law.
- 2.3 Each government department has a designated Information Access and Privacy (IAP) Administrators who are responsible for administering requests for information made under *FOIPOP*. The IAP Administrators are centralized with IAP Services.
- 2.4 Requests for information should be directed to IAP Services if the requester or representative is looking for their own Correctional Services file. Records that are subject to the Routine Access Policy of the Department of Justice should be forwarded to IAP Services.

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- 2.5 All requests for information will be in writing, a *FOIPOP* application may be made
 - 2.5.1 on the designated form or on-line available at <https://beta.novascotia.ca/apply-access-information-under-freedom-information-and-protection-privacy-foipop-act-form-1> , or
 - 2.5.2 in the form of a letter to IAP Services

3. Release of Information to Other Correctional Jurisdictions, Police, Other Departments and Agencies

- 3.1 Authorization for release of information in this section is governed primarily by section 27 *FOIPOP*, however, each request will be reviewed on a case-by-case basis.
- 3.2 Staff may confirm for other correctional agencies, police and other law enforcement agencies, e.g., investigators with Custom and Revenue Agencies and Employment Insurance that an individual is in custody, including dates the custody started and finished.
- 3.3 Provision of any other information will be considered in accordance with
 - 3.3.1 the *Youth Criminal Justice Act* (YCJA)
 - 3.3.2 *FOIPOP*
 - 3.3.3 *Personal Health Information Act* (PHIA)
 - 3.3.4 other privacy legislation
- 3.4 Staff who have questions pertaining to requests for file information will forward the request to Head Office. Head Office will in turn consult with the department IAP Administrator.
- 3.5 Where public safety is seriously threatened, staff may release confidential information to the public in accordance with Section 27 of *FOIPOP*, by
 - 3.5.1 notifying police immediately and soliciting advice from the police regarding the information
 - 3.5.2 providing the minimum amount of information necessary to alert the public
 - 3.5.3 providing the information to the most appropriate individual who, in turn, will take measures the ensure public protection

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- 3.5.4 clearly documenting what they released
- 3.5.5 reviewing the matter with the superintendent or senior probation officer, as appropriate, who will obtain approval from the appropriate director before staff make contact beyond the police

4. Disclosure of Personal Information that Constitutes a Breach of Privacy

- 4.1 Personal information is defined in *FOIPOP* and can be either staff personal information or information held about a someone in custody or under probation.
- 4.2 When personal information has been disclosed that is not authorized by *FOIPOP*, it may constitute a privacy breach in accordance with the Government-wide Privacy Policy.
- 4.3 If personal information has been disclosed either intentionally or unintentionally, the IAP Administrators for the Department of Justice should be notified immediately to help contain the privacy breach in accordance with the Government’s Privacy Breach Protocol.

5. Clarifications

- 5.1 From time-to-time staff are required to address situations governed by conflicting or seemingly contradictory legislation or policies. Such cases rarely require immediate action or interpretation. In such cases staff should consult with their immediate supervisor, who may in turn, refer the matter for further clarification before action, see Policy and Procedures, 1.10.00 [Legal Advice and FOIPOP Assistance](#).