

ROUTINE DISCLOSURE POLICY



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Approved By: Ron L'Esperance

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I. POLICY STATEMENT

This routine disclosure policy for NS Environment & Labour is designed to provide persons with an opportunity to obtain certain categories of records without having to submit a *Freedom of Information and Protection of Privacy Act* [FOIPOP] application. It shall be administered in accordance with the following principles:

Personal Privacy

Records containing the personal information of third parties as defined in the *FOIPOP Act* will not be disclosed by NS Environment & Labour without the need for a formal FOIPOP application, unless the personal information has been severed.

Timeliness

NS Environment & Labour will respond to any routine disclosure requests in a reasonable and timely fashion.

Cost Recovery

Fees for the reproduction and provision of records may be charged in accordance with this policy and where authorized by regulations or statutes.

Transparency

This policy shall be made available to the public.

Reasonableness

The policy shall apply only to requests for reasonable quantities of records. Repetitive requests by a person for significant volumes of records, or the separation of a request into several small requests totaling a large volume, shall not be subject to this policy. Documents which would normally be released in keeping this policy, but which may for other reasons contain information subject to provisions of FOIPOP, shall not be subject to this policy and the requester shall be advised that they may request access to the documents by formal application through FOIPOP.

II. DEFINITIONS

For the purposes of this policy, the following definitions shall apply. These definitions are not to be construed as over-riding any statutory definitions provided in legislation.

<i>routine disclosure</i>	is the release, in full or in part, of certain types of administrative or operational records as a matter of course in response to a request without the need for a formal application for records under the <i>FOIPOP Act</i> .
<i>active dissemination</i>	is the periodic and proactive release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.
<i>FOIPOP</i>	<i>NS Freedom of Information and Protection of Privacy Act</i>
<i>FOIPOP access</i>	is the release of a record in response to a formal FOIPOP application made under the <i>Freedom of Information and Protection of Privacy Act</i>
<i>record</i>	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records (S.3(1)(k) <i>FOIPOP Act</i>)
<i>staff</i>	all persons in the employ of, seconded to, or under contract to NS Environment & Labour, including members of agencies, boards, commissions or tribunals, outside contractors and consultants, volunteers, students, and interns who have access to records of NS Environment & Labour and its agencies, boards, commissions, or tribunals
<i>personal information</i>	recorded information about an identifiable individual, including: <ul style="list-style-type: none">(i) the individual's name, address or telephone number,(ii) the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,(iii) the individual's age, sex, sexual orientation, marital status or family status,(iv) an identifying number, symbol or other particular assigned to the individual,(v) the individual's fingerprints, blood type or inheritable characteristics,(vi) information about the individual's health-care history, including a physical or mental disability,(vii) information about the individual's educational, financial, criminal or employment history,

- (viii) anyone else's opinions about the individual, and
- (ix) the individual's personal views or opinions, except if they are about someone else
(S.3(1)(i)FOIPOP Act)

third party

in relation to a request for access to a record, means any person, group of persons or organization other than the person who made the request, or NS Environment & Labour

III. POLICY OBJECTIVES

The objective of this policy is to provide and maintain routine access to certain departmental records without the need for a formal FOIPOP application. It is also to provide ease of access for those requesting information, in keeping with the spirit of openness, accountability, and the provisions of information access and privacy legislation.

IV. APPLICATION

This policy applies to all staff, and to all records designated under this policy in accordance with the attached appendices.

V. POLICY DIRECTIVES

- i) the Information Access & Privacy Manager is mandated by the Deputy Minister of NS Environment & Labour to make routine disclosure decisions under this policy
- ii) a review committee, chaired by the Information Access & Privacy Manager will be established to review disclosure designation of records in keeping with this policy
- iii) a process will be established regarding designation of records under this policy
- iv) the identity of persons requesting information under this policy will be held confidential by all staff
- v) this policy will be posted on the departmental website
- vi) this policy will be communicated to all staff
- vii) a tracking system will be kept for all routine disclosure requests

VI. POLICY GUIDELINES

- i) to aid in the administration of this policy, written procedures will be prepared for the disclosure of identified records
- ii) the Information Access & Privacy Manager will prepare and deliver training information pertaining to this policy to staff

VII. ACCOUNTABILITY

- i) the Deputy Minister, NS Environment & Labour shall be accountable for the implementation of this policy
- ii) the Information Access & Privacy Manager shall be accountable for the administration of this policy
- iii) Directors shall be accountable for ensuring that staff are aware of and comply with this policy

VIII. COMPLIANCE

- i) the Information Access & Privacy Manager, NS Environment & Labour shall be responsible for ensuring the compliance with this policy
- ii) all staff shall be responsible for compliance with this policy

IX. EVALUATION

The routine disclosure processes established under this policy shall be evaluated on an annual basis by the Information Access & Privacy Manager, who will communicate findings of the evaluation and make recommendations to the Deputy Minister

X. REFERENCES

- *NS Freedom of Information & Protection of Privacy Act and Regulations*
- *Environment Act*
- *Government Records Act*
- *Occupational Health & Safety Act and Regulations*
- *Trade Union Act*
- *Labour Standards Code*
- *Wilderness Areas Protection Act*
- Routine Access Policy Development Guidelines for NS Government Public Bodies, 03/2/19
- Guidelines for the Use of the Internet in the Nova Scotia Government
- NS Govt. Management Manuals

XI. INQUIRIES

Information Access & Privacy Manager ph: (902) 424-8472
NS Environment & Labour fax: (902) 424-6925
PO Box 697 e-mail: DELaccess@gov.ns.ca
5151 Terminal Rd., 5th fl
Halifax, NS B3J 2T8

Appendix A: Routine Disclosure

Records containing the personal information of third parties as defined in the *FOIPOP Act* will not be disclosed by NS Environment & Labour without the need for a formal FOIPOP application, unless the personal information has been severed. Subject to these requirements and provisions of the *Freedom of Information & Protection of Privacy Act*, the following types of records may be disclosed in keeping with this policy:

- requests made through the Environmental Registry [see Appendix B]
- inspections
 - *the following records will not be disclosed through this policy if there is an on-going investigation, pending prosecution, or charges have been laid*
 - *any personal information or confidential business information will be severed from the record*
 - a) routine occupational health & safety inspection reports
 - b) routine public safety inspection reports [elevators, escalators, boilers]
- final reports
 - *any reports still in draft format will not be disclosed through this policy*
- audits
 - corporate audits of NS Environment & Labour or its programs
- contracts for goods and services
- test results
 - *any test results done on individuals or on a private property will not be disclosed through this policy*
 - a) public water test results
 - b) public air quality test results
 - c) test results on public properties
- permits, registrations, approvals, certifications
 - *background or supporting documentation containing personal information or technical/ trade secret information will not be disclosed through this policy*
 - a) power engineer certifications
 - b) blaster certifications
 - c) QP1/QP2 licenses
 - d) well driller licenses
- database information
 - a) aggregate database information which is readily available and which will not identify any particular individual or private sector company
- human resource records
 - a) departmental organization charts with position titles
 - b) generic information on benefits and hours of work
 - c) job descriptions, pay scale, classification of positions (unionized, non-unionized)

- d) personal service contracts of individuals not appointed pursuant to the *Civil Service Act*
 - *excluding personal information, and service or product trade secrets*
 - e) secondment agreements, both within and outside government
 - *excluding personal information*
 - f) selection and hiring process:
 - number of applicants for a specific job position
 - number of persons interviewed for a specific job position
 - name of successful candidate, once offer of employment has been accepted
 - confirmation as to whether a position is permanent vs temporary, once a decision has been made on a course to follow
- financial records
- a) individual expense claims for a three month period within the current fiscal year
 - *maximum request of three individuals at any one time*
 - *excluding personal information*
 - b) cost of renovations for a specific office
 - *carried out within the previous six months*
 - c) cost of special or specific events (i.e. – conferences, luncheons, workshops, training, etc.)
 - *within three months of the event taking place*
 - d) cost of sending a delegation out of province, or out of country
 - e) aggregate overtime expenditures (year to date) for the department or specific divisions
 - f) detailed departmental expenditure reports, by category (eg–salaries, travel, etc.)
 - *maximum of three per fiscal year*
 - g) ministerial monthly expense summary provided to Executive Council Office

Appendix B: Environmental Registry

As indicated in S.10(1) of the *Environment Act*, the following records may be accessed through the Environmental Registry:

- environmental approvals;
- certificates of qualification;
- certificates of variance;
- orders, appeals, decisions and hearings made under the *Environment Act*;
- notices of designation given pursuant to the *Environment Act*;
- notices of a charge or lien given pursuant to Section 132 of the *Environment Act*;
- policies, programs, standards, codes of practice, guidelines, objectives, directives and approval processes established under the *Environment Act*;
- convictions, penalties and other enforcement actions brought under the *Environment Act*;
- information or documents required by the regulations pursuant to the *Environment Act* to be included in the registry.