

Freedom of Information and Protection of Privacy Regulations

made under subsection 49(1) of the

Freedom of Information and Protection of Privacy Act

S.N.S. 1993, c. 5

O.I.C. 94-537, N.S. Reg. 105/94

as amended up to O.I.C. 2002-427 (September 13, 2002), N.S. Reg. 117/2002

AS MADE TO APPLY TO MUNICIPALITIES UNDER SUBSECTION 501(2) OF THE MUNICIPAL GOVERNMENT ACT

**Consolidation prepared by
the Department of Service Nova Scotia and Municipal Relations
Halifax, Nova Scotia
October 2002**

*Consolidated regulations are prepared for convenience of reference only and have no legislative sanction. For all purposes of interpreting and applying the law, consult the original documents on file with the Registry of Regulations, or as published in the Royal Gazette Part II.
Regulations are subject to frequent amendments; please ensure that you have the current version of this consolidation.*

Freedom of Information and Protection of Privacy Regulations
made under subsection 49(1) of the
Freedom of Information and Protection of Privacy Act
S.N.S. 1993, c. 5
O.I.C. 94-537 (June 28, 1994, effective July 1, 1994), N.S. Reg. 105/94
as amended up to O.I.C. 2002-427 (September 13, 2002), N.S. Reg. 117/2002

**RE-WORDED TO APPLY TO MUNICIPALITIES UNDER
PART XX OF THE MUNICIPAL GOVERNMENT ACT**

Citation

- 1** These regulations may be cited as the "Freedom of Information and Protection of Privacy Regulations".

Definitions

- 2** In these regulations
- (a) "Act" means the Municipal Government Act;
 - (b) "appellant" means a person who appeals to the Supreme Court pursuant to Section 494 of the Act;
 - (c) "applicant" means a person who makes a request pursuant to subsection 466(1) of the Act for access to a record or pursuant to subsection 484(1) of the Act for correction of personal information;
 - (d) "application" means a request for access to a record pursuant to subsection 466(1) of the Act.

Application for access to records

- 3** (1) An application
- (a) must state that the application is made pursuant to Part XX of the Act;
 - (b) may be in Form 1.
- (2) If an individual familiar with the subject matter is unable to identify a record for which an application is made, the responsible officer of the municipality shall so advise the applicant and permit the applicant to amend the application to provide additional particulars.

Request for correction of personal information

- 4** (1) A request for correction of personal information pursuant to subsection 484(1) of the Act
- (a) must
 - (i) be made in writing,
 - (ii) state that the request is made pursuant to the Act, and

- (iii) **provide sufficient detail to enable an individual familiar with the subject matter to identify the personal information and the proposed correction of the personal information;**
- (b) **may be in Form 2.**
- (2) **If an individual familiar with the subject matter is unable to identify the personal information with respect to which a request for correction is made, the responsible officer of the municipality shall so advise the applicant and permit the applicant to amend the application to provide additional particulars.**

Anthropological and heritage sites

5 For the purposes of Section 479 of the Act,

- (a) **a site has anthropological value if it contains an artifact or other physical evidence of past habitation or use that has research value; and**
- (b) **a site has heritage value if it is the location of a traditional societal practice for a living community or it has historical, cultural, aesthetic, educational, scientific or spiritual meaning or value for the Province or for a community, including an aboriginal people.**

Fees

6 (1) An applicant who makes a request for access to a record pursuant to subsection 466(1) of the Act must pay to the municipality an application fee in the amount of \$25.00 dollars.

Subsection 6(1) amended: O.I.C. 2002-163, N.S. Reg. 52/2002.

(2) When no search fee or reproduction fee is determined by an enactment other than the Act, the fees payable for services under the Act shall be the actual costs to the municipality of providing the following services:

- (a) **locating, retrieving and producing the record;**
- (b) **preparing the record for disclosure;**
- (c) **shipping and handling the record;**
- (d) **providing a copy of the record.**

(3) Despite subsection (2), the fees for services mentioned in subsection (2) shall not exceed the following amounts:

- (a) **for locating and retrieving a record, \$15.00 dollars for each half-hour of person time, rounded down to the nearest half-hour; (note: the authority not to charge for the first hour is repealed effective April 4, 2002)**
Clause 6(3)(a) amended: O.I.C. 2002-163, N.S. Reg. 52/2002; O.I.C. 2002-351, N.S. Reg. 101/2002.

- (b) **for producing a record manually, \$15.00 dollars for each half-hour of person time, rounded down to the nearest half-hour;**
Clause 6(3)(b) amended: O.I.C. 2002-163, N.S. Reg. 52/2002.

- (c) **for producing a record from a machine readable record, the actual cost incurred for computer usage and for developing a computer program to produce the record;**
- (d) **for preparing a record for disclosure and handling a record, \$15.00 dollars for each half-hour of person time, rounded down to the nearest half-hour;**
Clause 6(3)(d) amended: O.I.C. 2002-163, N.S. Reg. 52/2002.
- (e) **for shipping a record, the actual costs of shipping method chosen by applicant;**
- (f) **where the record is stored or recorded in printed form and can be copied on conventional photocopying equipment, twenty cents a page for providing a copy of the record;**
- (g) **where the record is stored or recorded in a manner other than that referred to in clause (f) or cannot be reproduced on conventional photocopying equipment, the actual cost of reproduction for providing a copy of the record.**
- (4) **Subsections (1) and (2) do not apply to a request for the applicant's own personal information.**
- (5) **Where an enactment other than the Act determines that a search fee or reproduction fee must be charged respecting access to a record, the responsible officer of the municipality to whom an application is made must charge the applicant the search fee or reproduction fee under the enactment.**
- (6) **Where an applicant is not required to pay and has not paid an estimated fee in advance pursuant to subsection 471(6) of the Act and the responsible officer of the municipality has not waived the payment of the fee, the applicant must pay the fee for services when access to a record is given or refused.**
Subsection 6(6) amended: O.I.C. 95-591, N.S. Reg. 130/95.
- (7) **A responsible officer of a municipality shall refund to an applicant any fee paid for services pursuant to subsection 471(2) of the Act that is subsequently waived.**
- (8) **Where the actual cost of responding to an application is less than the estimated fee paid by an applicant pursuant to subsection 471(6) of the Act, the responsible officer of the municipality that responds to the application must refund the difference to the applicant.**
- (9) **The following are prescribed as additional circumstances in which a responsible officer of a municipality may waive the payment of all or any part of a prescribed fee:**
 - (a) **whether the applicant is given access to the record;**

- (b) if the amount of the payment would be five dollars or less, whether the amount of the payment is too small to justify requiring payment.**

(10) The fee prescribed for the purpose of subsection 32(4) of the Act is \$25.00.

Subsection 6(10) added: O.I.C. 2002-351, N.S. Reg. 101/2002.

Consent to disclosure of information

- 7 (1) The consent of a third party to a municipality disclosing information pursuant to Section 481 of the Act may be in Form 3.**
- (2) The consent of an individual to a municipality disclosing any of the individual's personal information pursuant to clause 485(2)(b) of the Act may be in Form 3.**

Consent to use of personal information

8 For the purposes of clause 485(1)(b) of the Act, the consent of an individual to a municipality using personal information

- (a) must**
 - (i) be in writing,**
 - (ii) identify the information, and**
 - (iii) specify to whom the information may be disclosed and how the information may be used;**
- (b) may be in Form 4.**

Disclosure for research purpose

9 An agreement pursuant to clause 485(4)(d) of the Act must be in Form 5 and include the following conditions:

- (a) the person shall use the information only for a research purpose set out in the agreement or for which the person has written authorization from the municipality;**
- (b) the person shall name in the agreement any other persons who will be given access to personal information in a form in which the individual to whom it relates can be identified;**
- (c) before disclosing personal information to other persons under clause (b), the person shall enter into an agreement with those persons to ensure that they will not disclose it to any other person;**
- (d) the person shall keep the information in a physically secure location to which access is given only to the person and to the persons given access under clause (b);**
- (e) the person shall destroy all individual identifiers in the information by the date specified in the agreement;**

- (f) the person shall not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the municipality;
- (g) the person shall ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the municipality;
- (h) the person shall notify the municipality in writing immediately if the person becomes aware that any of the conditions set out in this section have been breached.

Notice of disclosure

10 A notice of disclosure pursuant to subsection 486(3) of the Act must be in Form 6.

Request for review

- 11** (1) A written request by an applicant for a review pursuant to subsection 487(1) of the Act may be in Form 7.
- (2) A written request by a third party for a review pursuant to subsection 487(2) of the Act may be in Form 8.

Subsections 11(1) and 11(2) amended: O.I.C. 95-591, N.S. Reg. 130/95.

Appeal to Supreme Court

- 12** (1) An appeal to the Supreme Court pursuant to Section 494 of the Act by
- (a) an applicant mentioned in subsection 487(3) of the Act shall be in Form 9;
 - (b) an applicant mentioned in subsection 494(1) of the Act shall be in Form 10;
 - (c) a third party mentioned in subsection 494(1) of the Act shall be in Form 11.
- (2) The appellant must complete Part A of Form 9, 10 or 11 and must file it with the prothonotary of the Supreme Court of Nova Scotia who must complete Part B and issue the Form.
- (3) When the prothonotary has issued a Form pursuant to subsection (2), the appellant must within ten days serve a copy of the issued Form on the responsible officer of the municipality referred to in the Form.
- (4) An appeal shall be heard in accordance with the Act and the Nova Scotia Civil Procedure Rules apply with the necessary changes in details.

Notice to Third Parties

13 For the purposes of subsections 482(1) and 486(2) of the Act, it is deemed to be practicable to give the third party a notice where the third party can

reasonably be located.

Section 13 added: O.I.C. 95-591, N.S. Reg. 130/95.

- 14 Where a third party is a corporation registered to carry on business in the Province, a notice to the third party pursuant to subsection 482(1) of the Act or a notice of disclosure to the third party pursuant to subsection 486(3) of the Act shall be given by registered mail addressed to the last known address of the recognized agent of the corporation or if the corporation does not have a recognized agent, by registered mail addressed to the last known address of the corporation.**

Section 14 added: O.I.C. 95-591, N.S. Reg. 130/95.

(Note: Sections 15 to 21 are omitted; they are not applicable to municipalities.)

Time limit for compliance by municipality

- 22 For the purpose of subsection 491(2) of the Act, the time within which a municipality shall comply with a requirement imposed by the Review Officer pursuant to that subsection, shall be 15 days from the date of receipt by the municipality of notice by the Review Officer of the requirement.**

Section 22 added: O.I.C. 2000-602, N.S. Reg. 193/2000.

Compliance by municipality with time limit

- 23 For greater certainty, where a municipality is required pursuant to the Act to provide a written communication or notification within a prescribed time limit, it is sufficient compliance with the time limit if the municipality deposits the communication or notification in the postal service within the time limit.**

Section 23 added: O.I.C. 2000-602, N.S. Reg. 193/2000.

Definitions of words and expressions with respect to the definition of “background information”

- 24 (1) For the purpose of subclause 461(1)(a)(i) of the Act, “factual material” means a coherent body of facts, separate and distinct from interpretations of, reactions to or advice and recommendations in respect of facts.**
- (2) For the purpose of subclause 461(1)(a)(iv) of the Act, “appraisal” means a report prepared by a qualified appraiser that estimates the value of property or sets a price on an asset or liability.**
- (3) For the purpose of subclause 461(1)(a)(v) of the Act, “economic forecast” means a prediction of the performance of a national, provincial or local economy over a specified period of time prepared by an economist.**
- (4) For the purpose of subclause 461(1)(a)(vi) of the Act, “environmental-impact statement” means a detailed written statement of an assessment of environmental effects of a proposed project or activity, as required by law.**
- (5) For the purpose of subclause 461(1)(a)(vii) of the Act,**
- (a) “performance” means an action, task or operation, seen in terms of how successfully it was performed in relation to expected outcomes;**

- (b) “efficiency” means the quality of achieving maximum productivity with minimum wasted effort or expense;**
 - (c) “public body” means a public body as it existed on or before the making of the final report or final audit was begun;**
 - (d) “programs or policies” means programs or policies as they existed on or before the making of the final report or final audit was begun.**
- (6) For the purpose of subclause 461(1)(a)(ix) of the Act, “feasibility study” means a study, the fundamental purpose of which is to advise a public body on the practicability of a specific proposed project, that includes an evaluation of whether the project, or specific proposals for that project, are capable of being accomplished with a reasonable assurance of success and in accordance with established standards including specified financial limits.**

Section 24 added: O.I.C. 2002-427, N.S. Reg. 117/2002.

Form 1
Application for Access to a Record
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 466(1)

TO: _____

(Address to the CAO or clerk of the municipality where the record is filed or deposited.)

1. This is an application pursuant to Part XX of the Municipal Government Act (Freedom of Information and Protection of Privacy) for access to:

Check one

- _____ **(a) applicant's own personal information; or**
- _____ **(b) other information; or**
- _____ **(c) both applicant's own personal information and other information.**

2. I am applying for access to the following record:

(Below, identify the material applied for precisely by including such particulars as the specific event or action to which it refers, the date of the record or the date or period to which it relates, the type of record (document, report, letter et cetera), names of department personnel who prepared or may have knowledge of the information, or citations to newspapers or publications which are known to have referred to the record.)

3. I wish to:

Check one

- _____ **(a) examine the record; or**
- _____ **(b) receive a copy of the record.**

4. I understand that I may be required to pay a fee before obtaining access to the record.

Date: _____

Signature of Applicant: _____

Print Full Name of Applicant: _____

Mailing Address of Applicant: _____

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Applicant: _____

(Residence)

(Business)

Fax Number of Applicant: _____

Request to Waive Fees

I hereby request to be excused from paying fees related to the above application because:

(a) I cannot afford to pay fees; or

(b) *(specify any other reason)* _____

For office use only

Date Received _____ Application No. _____

Form 3
Consent to Disclosure of Information
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Section 481 and Clause 485(2)(b)

TO: _____ *(Address to the CAO or clerk of the municipality where the information is filed or deposited.)*

1. This Consent arises out of an Application for Access to Records submitted to the _____ *(specify municipality)* on the _____ day of _____, _____, for information relating to _____, a copy of which Application is attached as Schedule "A" to this Consent.

2. I, _____ *(specify name of person consenting)*, hereby give consent to the _____ *(specify name of municipality)* and the responsible officer thereof to disclose to _____ *(specify name of applicant)* information listed in Schedule "B" attached to this Consent. *(List in Schedule "B" in detail full particulars of information with respect to which consent to disclose is given.)*

Date: _____

Signature of Person Consenting: _____

Print Full Name of Person Consenting: _____

Mailing Address of Person Consenting: _____

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Person Consenting: _____

(Residence) (Business)

Fax Number of Person Consenting: _____

Form 4
Consent to use of Personal Information
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Clause 485(1)(b)

TO: _____ *(Address to CAO or clerk of the municipality requesting consent.)*

1. I, _____ *(name of consenting individual)*, of _____
_____ *(address)*, do hereby give consent to the
_____ *(name of municipality)* and the responsible officer
thereof to disclose to _____ *(name of person or body)*, of
_____ *(address)*, the following information about me

(if insufficient space, list additional information on separate page); and

(b) to use the information for the following purposes: _____

_____.

Date: _____

Signature of Consenting Individual: _____
Print Full Name of Consenting Individual: _____
Mailing Address of Consenting Individual: _____
(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Consenting Individual: _____ *(Residence)* _____ *(Business)*
Fax number of Consenting Individual: _____

Form 5
Agreement
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Clause 485(4)(d)

This agreement is made between _____ (*name of researcher*), referred to below as the researcher, and _____ (*name of municipality*), referred to below as the municipality.

The researcher has requested access to the following records that contain personal information and are in the custody or under the control of the municipality:
(*Describe the records below*)

_____.

The researcher understands and promises to abide by the following terms and conditions:

1. The researcher will not use the information in the records for any purpose other than the following research purpose unless the researcher has the municipality's written authorization to do so: (*Describe the research purpose below*)

_____.

2. The researcher will give access to personal information in a form in which the individual to whom it relates can be identified only to the following persons:
(*Name the persons below*)

_____.

3. Before disclosing personal information to persons mentioned above, the researcher will enter into an agreement with those persons to ensure that they will not disclose it to any other person.
4. The researcher will keep the information in a physically secure location to which access is given only to the researcher and to the persons mentioned above.
5. The researcher will destroy all individual identifiers in the information by _____ (*date*).
6. The researcher will not contact any individual to whom personal information relates, directly or indirectly, without the prior written authority of the municipality.
7. The researcher will ensure that no personal information will be used or disclosed in a form in which the individual to whom it relates can be identified without the written authority of the municipality.
8. The researcher will notify the municipality in writing immediately upon becoming aware that any of the conditions set out in this agreement have been breached.

Signed at _____, _____ this _____ day of _____, ____.

Researcher
Signature: _____
Print Full Name: _____

Representative of Municipality
Name: _____
Position: _____

Mailing Address: _____
(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Municipality: _____
Address: _____

Telephone Number: ____
Fax Number: _____

Telephone Numbers: _____
(Residence)

(Business)

Fax Number: _____



Form 6
Notice of Disclosure
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 486(3)

TO: _____

_____ *(Specify name and last known address of Third Party.)*

TAKE NOTICE that on the ___ day of _____, ___, I, _____
_____ *(name of responsible officer)*, responsible officer of
_____ *(name of municipality)*, _____
(address of municipality), disclosed to _____
(specify the public, affected group of people or applicant) certain information
relating to you and which is described in Schedule "A" attached to this Notice of
Disclosure.

It was not practicable to notify you before disclosing the information.

The information disclosed was:

Check if applicable

- _____ (a) about a risk of significant harm to the environment;
_____ (b) about a risk of significant harm to the health or safety of the
public;
_____ (c) about a risk of significant harm to *(specify affected group of
people)*
_____ (d) _____;
disclosed in the public interest because *(state any other public
interest reason for disclosure)* _____
_____.

Dated at _____, Nova Scotia, this _____ day of _____, ____.

**Signature of Responsible Officer
of Municipality**

Schedule "A"
Particulars of the information disclosed are as follows:

Form 7

Request for Review
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 487(1)
(Applicant)

TO: Review Officer

(Specify name and address of Review Officer.)

1. **This Request for Review arises out of an Application for Access to a Record or Request for Correction of Personal Information submitted to _____ (specify municipality) on the ____ day of _____, ____, a copy of which Application or Request is attached to this Request for Review.**

2. **The applicant requests that the review officer review the following decision, act or failure to act of the responsible officer of the municipality;**

Check where applicable

_____ (a) **decision dated or made on the ____ day of _____, ____, a copy of which is attached to this Request for Review;**

_____ (b) *(specify act or failure to act)* _____

_____.

3. **The applicant requests that the review officer recommend that**

Check where applicable

_____ (a) **the responsible officer of the municipality give access to the record as requested in the Application for Access to a Record;**

_____ (b) **the responsible officer of the municipality correct the personal information as requested in the Request for Correction of Personal Information;**

_____ ~~(b)~~[c]*(specify other recommendation or recommendations, if any, you consider appropriate)* _____

_____.

Date: _____

Signature of Applicant: _____

Print Full Name of Applicant: _____

Mailing Address of Applicant: _____

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Applicant: _____

(Residence) (Business)

Fax Number of Applicant: _____

Form 8
Request for Review
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 487(2)
(Third Party)

TO: Review Officer

*(Specify name and address
of Review Officer.)*

- 1. This Request for Review arises out of an Application for Access to a Record submitted to _____ (*specify municipality*) on the _____ day of _____, ____, and a decision of the responsible officer of the municipality to give access to the record or part of the record, which decision is contained in a written notice given by the responsible officer of the municipality pursuant to subsection 482(4) of the Act.**

- 2. A copy of the written notice and decision of the responsible officer of the municipality are attached to this Request for Review.**

- 3. The Third Party requests that the review officer recommend that the responsible officer of the municipality not give access to any part of the records requested in the Application for Access to a Record that contains information the disclosure of which may affect the interests or invade the personal privacy of the Third Party.**

Date: _____

Signature of Third Party: _____

Print Full Name of Third Party: _____

Mailing Address of Third Party: _____

(Street/Apartment No./R.R. No.)

(Community/County)

(Postal Code)

Telephone Numbers of Third Party: _____

(Residence)

(Business)

Fax Number of Third Party: _____

**Form 9
Appeal
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 487(3)**

**IN THE SUPREME COURT OF NOVA SCOTIA
and
IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 494 OF THE
MUNICIPAL GOVERNMENT ACT,
S.N.S. 1998, c. 18**

TO: The Prothonotary of the Supreme Court of Nova Scotia

**1. The Appellant's name and address are: _____

_____.**

2. This Appeal arises out of an Application for Access to a Record or Request for Correction of Personal Information submitted to _____ (*specify municipality*) on the _____ day of _____, ____, a copy of which Application or Request is attached as Appendix 1 to this Appeal.

3. The Appellant appeals the following decision, act or failure to act of the responsible officer of the municipality relating to the attached Application or attached Request:

Check where applicable

_____ (a) decision dated or made on the _____ day of _____, ____, a copy of which is attached as Appendix 2 to this Appeal;
_____ (b) (*specify any act or failure to act*) _____

_____.

4. Check where applicable

_____ (a) no third party has been notified pursuant to Section 482 of the Municipal Government Act; or
_____ (b) any third party notified pursuant to Section 482 of the Municipal Government Act has consented to this Appeal, a copy of which Consent is attached as Appendix 3 to this Appeal.

5. No person has filed a Request for Review in relation to the attached Application or attached Request.

6. The Appellant hereby requests that the responsible officer of the municipality be ordered

Check where applicable

_____ (a) to give the Appellant access to the records requested in Appendix 1;

_____ (b) to correct the personal information as requested in Appendix 1;

_____ (b)[c](specify other order sought, if any, relating to any decision, act or failure to act of the responsible officer of the municipality that relates to the attached Application or attached Request)

Dated at _____, Nova Scotia, this ___ day of _____, ____.

Signature of Appellant

Part B
Notice of Appeal

Let the Appellant and _____ attend before this Honourable Court at _____ on the _____ day of _____, ___ at the hour of _____ o'clock in the _____ noon on the hearing of the above Appeal.

Dated at _____, Nova Scotia, this _____ day of _____, ____.

Prothonotary

Form 10
Appeal
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 494(1)

IN THE SUPREME COURT OF NOVA SCOTIA
and
IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 494 OF THE
MUNICIPAL GOVERNMENT ACT,
S.N.S. 1998, c. 18

TO: The Prothonotary of the Supreme Court of Nova Scotia

Part A
Statement of Facts

1. **The Appellant's name and address are: _____**

_____.

2. **This Appeal arises out of an Application for Access to a Record or Request for Correction of Personal Information submitted to _____ (specify municipality) on the ____ day of _____, ___, a copy of which Application or Request is attached as Appendix 1 to this Appeal.**

3. **A Request for Review was filed with a review officer on the ____ day of _____, ___, a copy of which Request for Review is attached as Appendix 2 to this Appeal.**

4. **The review officer conducted a review and prepared a report setting out the review officer's recommendations with respect to the matter and the reasons for those recommendations, a copy of which report is attached as Appendix 3 to this Appeal.**

5. **The responsible officer of the municipality made a decision dated the ____ day of _____, ___, a copy of which decision is attached as Appendix 4 to this Appeal.**

OR

The responsible officer of the municipality did not give written notice of a decision within the time required by subsection 493(1) of the Municipal Government Act.

6. **The Appellant appeals the decision of the responsible officer of the municipality.**

7. **The Appellant hereby requests that the responsible officer of the municipality be ordered**

Check where applicable

_____ (a) to give the Appellant access to the records requested in Appendix 1;

_____ (b) to correct the personal information as requested in Appendix 1;

_____ ~~(b)~~[(c)](specify other order sought, if any, relating to any decision, act or failure to act of the responsible officer of the municipality that relates to the Application or Request attached as Appendix 1 to this Appeal) _____

Dated at _____, Nova Scotia, this _____ day of _____, ____.

Signature of Appellant

Part B
Notice of Appeal

Let the Appellant and _____ attend before this Honourable Court at _____ on the _____ day of _____, ____ at the hour of _____ o'clock in the _____ noon on the hearing of the above Appeal.

Dated at _____, Nova Scotia, this _____ day of _____, ____.

Prothonotary

**Form 11
Appeal
Part XX - Freedom of Information and Protection of Privacy -
Municipal Government Act
Subsection 494(1)**

**IN THE SUPREME COURT OF NOVA SCOTIA
and
IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 494 OF THE
MUNICIPAL GOVERNMENT ACT
S.N.S. 1998, c. 18**

TO: The Prothonotary of the Supreme Court of Nova Scotia

**Part A
Statement of Facts**

- 1. The Appellant's name and address are: _____

_____.**
- 2. This appeal arises out of an Application for Access to a Record submitted to _____ (*specify municipality*) on the _____ day of _____, ____, a copy of which Application is attached as Appendix 1 to this Appeal.**
- 3. The Appellant was notified pursuant to Section 482 of the Municipal Government Act, a copy of which notification is attached as Appendix 2 to this Appeal.**
- 4. A Request for Review was filed with a review officer on the _____ day of _____, ____, a copy of which Request for Review is attached as Appendix 3 to this Appeal.**
- 4[5]. The review officer conducted a review and prepared a report setting out the review officer's recommendations with respect to the matter and the reasons for those recommendations, a copy of which report is attached as Appendix 4 to this Appeal.**
- 5[6]. The responsible officer of the municipality made a decision dated the _____ day of _____, ____, a copy of which is attached as Appendix 5 to this Appeal.**

OR

The responsible officer of the municipality did not give written notice of a decision within the time required by subsection 493(1) of the Municipal Government Act.

- 6[7]. The Appellant appeals the decision of the responsible officer of the municipality.**
- 7[8]. The Appellant hereby requests that the responsible officer of the municipality be ordered**

Check where applicable

_____ (a) not to give the applicant access to any part of the records requested in Appendix 1 that contains information the disclosure of which may affect the interests or invade the personal privacy of the Appellant;

_____ (b) *(specify other order sought, if any, respecting any decision made by the responsible officer of the municipality about the Application attached as Appendix 1 to this Appeal)* _____

_____.

Dated at _____, Nova Scotia, this _____ day of _____, ____.

Signature of Appellant

**PART B
NOTICE OF APPEAL**

Let the Appellant and _____ attend before this Honourable Court at _____ on the _____ day of _____, ____ at the hour of _____ o'clock in the _____ noon on the hearing of the above Appeal.

Dated at _____, Nova Scotia, this _____ day of _____, ____.

Prothonotary

