



Nova Scotia Freedom of Information and Protection of Privacy Review Office

Helpful Hint #1 Providing Records to the Review Office

Introduction:

Reviews can be processed most effectively when the records are readily available to the Review Office. The Case Review Analyst will examine the records to ensure they are complete and relate to the application. The Mediator frequently refers to the records during the mediation process. At the report stage, the Review Officer will examine the records in preparation for his Review Report.

Section 38 of the *FOIPOP Act* gives the Review Officer the power to require the production of any record that is in the custody or under the control of the public body named in the request for review.

Procedure:

Once the Review Office opens a review file, the Case Review Analyst will write to the public body and advise them that all relevant records should be sent to the Review Office within 15 days of receiving the notification. If the public body is unable to meet this deadline they should notify the Review Office as soon as possible and indicate when the records will be provided.

Sending Records:

It is best if copies of the records rather than the originals are sent to the Review Office. The records may be hand-delivered, sent by courier, regular or interdepartmental mail. The public body is responsible for the secure delivery of the records to the Review Office.

On-Site Examination:

In circumstances where there are a large number of records or the records are too fragile to survive physical transportation or photocopying, the public body may request an on-site inspection of the records by the Review Office.

Organizing Records:

An organized records package is essential to the quick and efficient processing of a review.

The public body should prepare a record index which identifies:

- the page numbers for each record;
- a general description of the record;
- the date the record was created;
- whether it was disclosed in whole or in part, or entirely withheld; and
- what exemption section(s) of the Act has been claimed for each withheld record or part thereof.

Two copies of the records should be provided to the Review Office. One copy should be an exact duplicate of what was provided to the applicant (the severed copy). The other copy should contain all relevant records in their entirety (the unsevered copy). On the unsevered copy, the portions of the records which were not disclosed to the applicant should be highlighted and the section(s) of the *Act* relied upon for the exemption should be noted in the margin.

For ease of reference the public body should **number** each page of the records.

Further guidelines for the records package are included in Helpful Hints #2.

Security of Records:

Records are subject to strict security while at the Review Office.

Confidentiality of Records:

The Review Office does not disclose records to an applicant or to a third-party. If a public body agrees to disclose a record, arrangements for the disclosure will be made by the public body, not by the Review Office.

All Review Office staff take an oath of confidentiality and any information received during the course of a review will not be disclosed without the consent of the parties involved.

Disposal of Records:

Records from closed files are shredded approximately one year after the file closure date. If a public body wishes to have its records returned, it should advise the Review Office before the end of this period. When the Review Office returns records to a public body, they may be returned by interdepartmental mail, courier, or in some other secure manner specified by the public body.