

POLICY TITLE: **Routine Access Policy**

POLICY STATEMENT:

Consistent with the spirit and intent of the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, Nova Scotia Business Inc attempts first to respond to requests for information by means other than requiring a formal application for records under the *FOIPOP Act*. Formal FOIPOP applications are treated as an avenue of last resort when other means of access to information have been exhausted.

In keeping with this approach and to facilitate access to information, Nova Scotia Business Inc classifies certain records or categories of records as available through routine access subject to the limitations specified in this policy. Categories of records available through routine access are listed in Schedule "A" which forms part of this policy.

PURPOSE / OBJECTIVE:

The purpose of this policy is to provide a pro-active approach to access to information that reflects the spirit of openness and accountability embodied in the *FOIPOP Act*, specifically to identify categories of records available on a routine access basis.

This Routine Access Policy shall be administered in accordance with the following principles:

- a. **Third Party Privacy / Confidentiality**
Records containing personal information of identifiable individual or confidential business information of a third party shall not be disclosed by Nova Scotia Business Inc unless that information has been severed from the record or with the written consent of the third party.
- b. **Timeliness**
Nova Scotia Business Inc shall apply best efforts to respond to routine access requests in a reasonable and timely fashion.

c. **Transparency**

This policy shall be available upon request and posted on the Nova Scotia Business Inc website

APPLICATION:

This policy applies to:

- a. records and categories of records designated under this policy as available on a routine access basis as listed in Schedule "A"

This policy does not apply to:

- a. records created prior to October 24, 2003
- b. requests that comprise more than 50 pages of records whether made as one large request or a series of small requests by one Requestor or a group of associated Requestors
- c. requests of a repetitious, systematic, frivolous or vexatious nature, that in the opinion of the President & CEO or VP & Chief Operating Officer or his/her delegate, constitute an abuse of the opportunity for access under the Routine Access Policy

POLICY DIRECTIVES:

1. The Administrator will coordinate responses to routine access requests.
2. Routine access requests must be made in writing.
3. Fees do not apply for responding to routine access requests.
4. Employees who receive routine access requests must forward them without delay to the Administrator for response.
5. All FOIPOP applications will be screened to determine if they can be responded to entirely, or in part, through routine access.
6. Records classified as available on a routine access basis will be reviewed for personal information, confidential business information and other information that may be exempted from disclosure in accordance with Sections 12 - 21 of the *FOIPOP Act* and any such identified information may be severed from the record prior to disclosure.
7. Routine access requests will be tracked in accordance with requirements of Department of Justice.

8. The Routine Access Policy will be posted on the Nova Scotia Business Inc website.

POLICY GUIDELINES:

1. When Nova Scotia Business Inc receives a FOIPOP application or routine access request the application / request will be reviewed against the list of records approved for routine access as listed in Schedule "A"
2. If the requested record is subject to this policy, as listed in Schedule "A", the Administrator will have the requested record retrieved and a copy sent to the Applicant / Requestor.
3. Best efforts will be applied to respond to routine access requests within 30 days of receipt of the written application / request by the office of the Administrator.
4. If the requested record is not listed in Schedule "A", the Administrator will notify the Requestor and provide the Requestor with information about procedures for obtaining access including, where appropriate, procedures for making an application under the *FOIPOP Act*.

ACCOUNTABILITIES

President & CEO; VP & Chief Operating Officer

- a. Overall responsibility for the policy
- b. Approval authority for the policy and any amendments
- c. Access decisions in response to Routine Access requests

Director, Corporate Services

- a. Management responsibility for the policy
- b. Oversee and direct implementation of the policy
- c. Champion annual review of the policy

Administrator

- a. Day to day implementation of the policy
- b. Track routine access requests in accordance with Department of Justice requirements
- c. Monitor and report on compliance with the policy
- d. Evaluate the policy and make recommendations for the annual review

Employees

- a. Forward routine access requests without delay to the Administrator for response

- b. Respond in a timely fashion to requests from the Administrator to locate and retrieve records requested under the Routine Access Policy

MONITORING:

Compliance with the policy directives will be monitored on an ongoing basis by the Administrator

The policy will be formally evaluated and reviewed on an annual basis by the President & CEO or VP & Chief Operating Officer

REFERENCES

- Definitions (see Appendix 1)
- Section 2 of the *FOIPOP Act* (see Appendix 2)
- *Personal Services Contract Regulations (Public Service Act)*

INQUIRIES

For more information about this policy please contact:

FOIPOP Administrator
Nova Scotia Business Inc
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Halifax, NS B3J 3E4
Tel: (902) 424-6650
Toll free in Nova Scotia: 1-877-297-2124
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APPROVED BY: *President & CEO*

APPROVAL DATE: *October 24, 2003; revised October 7, 2008*

REPLACES: *IM-2003-1*

REVIEW DATE: *October 7, 2009*

Schedule "A"

Routine Access Records

The following list includes those records and categories of records that have been classified under the Routine Access Policy as available on a routine access basis.

RECORD DESCRIPTION*	RESTRICTIONS
Administration	
Management policy manuals	<ul style="list-style-type: none"> • current
Contracts for goods and services	<ul style="list-style-type: none"> • current
Financial	
Employee expense reports	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end • for 3 employees per Requestor per year
Cost of renovations	<ul style="list-style-type: none"> • for specific offices • within current fiscal year and for 3 months following fiscal year end
Cost of special or specific events (i.e. conferences, luncheons, workshops, training etc.)	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end
Cost of sending a delegation out of the province or out of the country	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end
Detailed expenditure reports by category (e.g. salaries, travel, etc.)	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end • for 3 categories per Requestor per year
Corporate overtime expenditures	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end
Final audits conducted by Department of Finance of programs or activities	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end

RECORD DESCRIPTION*	RESTRICTIONS
Human Resources	
Generic information on benefits and hours of work	<ul style="list-style-type: none"> • current
Organizational charts	<ul style="list-style-type: none"> • current • without names • subject to security issues
Position description, pay scale and classification of position	<ul style="list-style-type: none"> • current
Number and % of union vs. non-union positions	<ul style="list-style-type: none"> • current
Personal services contracts of Officers of the corporation and positions (non-bargaining) not subject to the corporate Compensation Framework	<ul style="list-style-type: none"> • current and for 3 months following end of employment contract • excluding personal information
Secondment agreements (both within and outside of NSBI)	<ul style="list-style-type: none"> • current and for 3 months following end of agreement • excluding personal information
Corporate attendance management statistics	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end • excluding personal information
Hiring Process:	
Number of applications per job competition	<ul style="list-style-type: none"> • current competitions and for 3 months following recruitment decision
Number of internal applicants	<ul style="list-style-type: none"> • current competitions and for 3 months following recruitment decision
Screening criteria contained in job posting	<ul style="list-style-type: none"> • current competitions and for 3 months following recruitment decision
Number of persons interviewed	<ul style="list-style-type: none"> • current competitions and for 3 months following recruitment decision
Name and job title of interview panel	<ul style="list-style-type: none"> • only to candidates being interviewed • current competitions
Name of successful candidate	<ul style="list-style-type: none"> • where offer of employment accepted • current competitions and for 3 months following recruitment decision

RECORD DESCRIPTION*	RESTRICTIONS
Adjudication decisions	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end
Operations	
Authorized amount of financial assistance	<ul style="list-style-type: none"> • where offer of assistance accepted • subject to coordination of announcement provisions in contract

* Does not apply to records created prior to October 24, 2003.

APPENDIX 1

- DEFINITIONS -

- “active dissemination”** The periodic and pro-active release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.
- “Administrator”** The position responsible for receiving and responding to applications made to Nova Scotia Business Inc under the *FOIPOP Act* (i.e. the FOIPOP Administrator)
- “confidential business information”** As referenced in the *FOIPOP Act* (Reference - s. 21) means:
“(1) information
(a) that would reveal (i) trade secrets of a third party, or (ii) commercial, financial, labour relations, scientific or technical information of a third party; and
(b) that is supplied, implicitly or explicitly, in confidence
“(2) information obtained on a tax return or gathered for the purposes of determining tax liability or collecting a tax.”
- “FOIPOP access”** The release of a record in response to a formal application made under the *FOIPOP Act*
- “personal information”** As defined in the *FOIPOP Act* (Reference - s. 3(1)(i))
“Means recorded information about an identifiable individual, including
(i) the individual's name, address or telephone number,
(ii) the individual's race, national or ethnic origin, colour, 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 opinion about the individual, and
(ix) the individual's personal views or opinions, except if they are about someone else.”

<i>“personal services contract”</i>	An agreement that establishes an employment relationship between an individual and NSBI including an amendment of, or extension to, the agreement. (Reference: s. 2(f) <i>Personal Services Contract Regulations, Public Service Act</i>)
<i>“record”</i>	As defined in the <i>FOIPOP Act</i> (Reference - s. 3(1)(k)) <i>“Includes books, documents, maps, drawings, photographs, letters, vouchers, papers or 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.”</i>
<i>“Requestor”</i>	The person requesting access under the Routine Access Policy
<i>“routine access”</i>	The routine or automatic release, in full or in part, of a copy of a specified record in response to a request without the need for a formal application for records under the <i>FOIPOP Act</i> .

APPENDIX 2

- REFERENCE LEGISLATION -

Freedom of Information and Protection of Privacy Act

Section 2 - Purpose of Act

“s. 2 The purpose of this Act is

- (a) to ensure that public bodies are fully accountable to the public by
 - (i) giving the public a right of access to records,*
 - (ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,*
 - (iii) specifying limited exceptions to the rights of access,*
 - (iv) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and*
 - (v) providing for an independent review of decisions made pursuant to this Act; and**
- (b) to provide for the disclosure of all government information with necessary exemptions, that are limited and specific, in order to
 - (i) facilitate informed public participation in policy formulation,*
 - (ii) ensure fairness in government decision-making,*
 - (iii) permit the airing and reconciliation of divergent views;**
- (c) to protect the privacy of individuals with respect to personal information about themselves held by public bodies and to provide individuals with a right of access to that information.”*