

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. (NSBI) 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, NSBI classifies certain categories of records and information 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 the Routine Access Policy (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, this Policy identifies categories of records and information available on a routine access basis.

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

- a. **Third Party Privacy / Confidentiality**
Records containing personal information of a third party or confidential business information of a third party shall not be disclosed unless that information has been severed from the record or with the written consent of the third party.
- b. **Timeliness**
Best efforts shall be applied to respond to routine access requests in a reasonable and timely fashion.
- c. **Transparency**
This Policy shall be available upon request and posted on NSBI's website.

DEFINITIONS:

Confidential business information – means information there is reason to believe is exempt from disclosure under Section 21 (1) or (2) FOIPOP Act (confidential information) including:

“(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;*
- (b) that is supplied, implicitly or explicitly, in confidence; and*
- (c) the disclosure of which could reasonably be expected to
 - (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,*
 - (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continues to be supplied,*
 - (iii) result in undue financial loss or gain to any person or organization, or*
 - (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour-relations dispute.**

“(2) ... information obtained on a tax return or gathered for the purposes of determining tax liability or collecting a tax.”

Executive Team – means the President & CEO (CEO), the Chief Operating Officer (COO), and the Vice Presidents (VPs) of NSBI.

Information Access and Privacy Services (IAP Services)- means the IAP Services Unit, a division of Information, Communications & Technology Shared Services (ICTSS)

Personal information – has the same meaning as in the FOIPOP Act (Reference - s. 3(1)(i))

“(i) “personal information” 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."*

Personal services contract – means 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) *Personal Services Contract Regulations, Public Service Act*).

Record – has the same meaning as in the *FOIPOP Act* (Reference - s. 3(1)(k))

"(k) "record" 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."

Requestor – means a person requesting access under this Policy.

Routine access – means the routine 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 *FOIPOP Act*.

APPLICATION:

This Policy applies to categories of records and information 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; or
- c. requests of a repetitious, systematic, frivolous or vexatious nature, that in the opinion of the President & CEO, or his/her delegate, constitutes an abuse of the opportunity for access under this Policy.

POLICY DIRECTIVES:

1. **General**
 - 1.1 A routine access request must be made in writing.
 - 1.2 Fees do not apply to the services for responding to a routine access request.

- 1.3 All applications for records under the *FOIPOP Act* will be screened to determine if they can be responded to entirely, or in part, through routine access.
- 1.4 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 of the record.
- 1.5 Routine access requests will be tracked in accordance with requirements of the Information Access and Privacy (IAP) Services Division, the Department of Internal Services.
- 1.6 This Policy must be posted on NSBI's website.

2. Responding to Requests

- 2.1 IAP Services is responsible for coordinating responses to routine access requests.
- 2.2 Employees who receive routine access requests must forward them without delay to the IAP Services.
- 2.3 When a FOIPOP application or routine access request is received the application / request will be reviewed against the list of records categorized as available on a routine access basis as listed in Schedule "A".
- 2.4 If the requested record is subject to this Policy, as listed in Schedule "A", the requested record will be retrieved, any exempted information severed and a copy provided to the Applicant / Requestor without charge.
- 2.5 If the requested record is not listed in Schedule "A", the Requestor will be notified and provided with information about procedures for obtaining access including, where appropriate, procedures for making an application under the *FOIPOP Act*.
- 2.6 Best efforts will be applied to respond to a routine access request within 30 days of receipt of the written request by the office of IAP Services.

ACCOUNTABILITIES: **President & CEO** – is the approval authority for this Policy and its amendment or rescindment.

Executive Team –is responsible for:

- management oversight for implementation of this Policy.

IAP Services

- day to day implementation of this Policy

- access decisions in response to routine access requests
- tracking routine access requests in accordance with IAP Services Division requirements
- monitoring and scheduled review of this Policy

Employees – are responsible for:

- forwarding routine access requests without delay to IAP Services for response.
- responding in a timely manner to requests from IAP Services to locate and retrieve records requested under this Policy.

EXCEPTIONS: Exceptions to this Policy may be approved by a member of the Executive Team.

MONITORING: The Director, Corporate Services & Compliance is responsible for monitoring this Policy’s implementation and for its scheduled review.

This Policy shall be reviewed every three years.

REFERENCES: *Freedom of Information and Protection of Privacy Act*
Personal Services Contract Regulations (Public Service Act)

APPENDICES: *Schedule “A” – Routine Access Records*
Appendix 1 – Section 2 FOIPOP Act (Purpose of Act)

ENQUIRIES: For more information about this Policy please contact:
Director, Corporate Services & Compliance
Nova Scotia Business Inc.
PO Box 2374
Halifax, NS B3J 3E4
Tel: (902) 424-6650
Toll free in Nova Scotia: 1-877-297-2124
Toll free in North America: 1-800-260-NOVA (6682)
E-mail: info@nsbi.ca

APPROVED BY:	President & CEO
APPROVAL DATE:	June 1, 2016
EFFECTIVE DATE:	June 1, 2016
REPLACES:	Policy ID: POL-IM-2.1 Routine Access Policy, April 1, 2015
NEXT REVIEW DATE:	June 1, 2019

Approved: _____
Laurel Broten, President & CEO

Schedule "A"

Routine Access Records

The table below identifies the categories of records and information that have been classified under the Routine Access Policy as available on a routine access basis.

RECORD DESCRIPTION*	RESTRICTIONS
Administration	
Corporate administrative policies	<ul style="list-style-type: none"> • current
Contracts for goods, services, construction and facilities	<ul style="list-style-type: none"> • current • excluding personal and confidential information
Financial	
Employee expense reports	<ul style="list-style-type: none"> • summary page • within current fiscal year and for 3 months following fiscal year end • for 3 employees per Requestor per fiscal 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 fiscal year
Corporate overtime expenditures	<ul style="list-style-type: none"> • within current fiscal year and for 3 months following fiscal year end

RECORD DESCRIPTION*	RESTRICTIONS
Final audit reports completed 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
Human Resources	
Generic information on benefits and hours of work	<ul style="list-style-type: none"> • current
Organizational charts with position titles	<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
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

RECORD DESCRIPTION*	RESTRICTIONS
Name of successful candidate	<ul style="list-style-type: none"> • where offer of employment accepted • current competitions and for 3 months following recruitment decision
Operations	
Authorized amount of a business development incentive provided by NSBI under the <i>NSBI Act</i>	<ul style="list-style-type: none"> • where offer of incentive accepted • subject to coordination of announcement provisions in agreement
Agreements that provide for a business development incentive from the Nova Scotia Fund or strategic investment funds, executed on or after October 22, 2013, and executed amendments to such agreements	<ul style="list-style-type: none"> • current • subject to coordination of announcement provisions in agreement / amendment • for 3 agreements per Requestor per fiscal year • excluding personal and confidential information
Total accumulative amount of a payroll rebate paid under an agreement that provides for a payroll rebate incentive from the strategic investment funds	<ul style="list-style-type: none"> • current and for 3 months following end of agreement

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

APPENDIX 1

- REFERENCE LEGISLATION -

Freedom of Information and Protection of Privacy Act (excerpt)

Section 2 (Purpose of Act)

"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."*