

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 Transportation and Public Works 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 Transportation and Public Works 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 an identifiable individual or confidential business information of a third party shall not be disclosed by Nova Scotia Transportation and Public Works unless that information has been severed from the record or with the written consent of the third party.
- b. **Timeliness**
Nova Scotia Transportation and Public Works 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 Transportation and Public Works website

APPLICATION:

This policy applies to:

- those 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:

- records created prior to October 23, 2003
- 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
- requests of a repetitious, systematic, frivolous or vexatious nature that in the opinion of the Deputy Minister, or his/her delegate, constitute an abuse of the opportunity for access under the Routine Access policy
- draft documents or draft reports

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. Staff 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 Transportation and Public Works website.
9. This policy is in addition to and does not replace existing procedures for access to information or records normally available to the public.

POLICY GUIDELINES:

1. When Nova Scotia Transportation and Public Works 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 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

Deputy Minister, or his/her delegate,

- overall management responsibility for the policy
- champion annual review of the policy

Administrator

- day-to-day implementation of the policy
- track routine access requests in accordance with Department of Justice requirements
- monitor and report on compliance with the policy
- evaluate the policy and make recommendations for the annual

review

Staff

- forward routine access requests without delay to the Administrator for response
- 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 Deputy Minister, or his/her delegate,

REFERENCES

- Definitions (see Appendix 1)
- Section 2 of the *FOIPOP Act* (see Appendix 2)

INQUIRIES

For more information about this policy please contact:
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APPROVED BY: *Brian Stonehouse, Deputy*
APPROVAL DATE: *October 23, 2003*
REPLACES: *N/A*
REVIEW DATE: *October 23, 2004*

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. This list is subject to change, and will be updated as needed. Records, other than those listed here, may also be available on a routine access basis at the discretion of the head of the public body.

RECORD DESCRIPTION*	RESTRICTIONS	PROGRAM AREA
<u>Administration</u>		
Approved policy manuals		Department
Statistics, statistical research and public opinion poll results	<ul style="list-style-type: none"> • subject to available reports in current fiscal year • subject to FOIPOP restrictions 	Department
Routine inspection reports	<ul style="list-style-type: none"> • subject to FOIPOP restrictions 	Department
Final audits of programs or activities	<ul style="list-style-type: none"> • subject to FOIPOP restrictions 	Department
<u>Financial Services</u>		
Individual expense claim report	<ul style="list-style-type: none"> • for a three-month period within current fiscal year • for maximum 3 individuals in TPW at any one time 	Financial Services
Cost of renovations to specific offices	<ul style="list-style-type: none"> • within previous 6 months 	Financial Services
Cost of special or specific event (ie. Conferences, luncheons, workshops, training)	<ul style="list-style-type: none"> • within three months of event having taken place 	Financial Services
Cost of sending a delegation out of the province or out of the country		Financial Services

RECORD DESCRIPTION*	RESTRICTIONS	PROGRAM AREA
Overtime expenditures for specific departments or divisions	<ul style="list-style-type: none"> within current fiscal year 	Financial Services
Detailed expenditure reports, by category, (eg. salaries, travel, etc.)	<ul style="list-style-type: none"> for maximum three per current fiscal year 	Financial Services
Insurance Policies	<ul style="list-style-type: none"> no reference to specific claims, incurred payments or claim reserve 	Financial Services
Self-insured funds	<ul style="list-style-type: none"> no reference to specific claims, incurred payments or claim reserve 	Financial Services
<u>Human Resources</u>		
Generic information on benefits and hours of work		Human Resources
Personal service contracts of individuals not appointed pursuant to Civil Service Act	<ul style="list-style-type: none"> excluding personal information, and service or product trade secrets 	Human Resources
Secondment agreements, both within government and outside government	<ul style="list-style-type: none"> excluding personal information and subject to FOIPOP restrictions 	Human Resources
Organizational charts	<ul style="list-style-type: none"> without names and subject to FOIPOP restrictions 	Human Resources
Position job descriptions, pay scale and classification of positions		Human Resources
Union vs. non-unionized positions		Human Resources
Department attendance management statistics	<ul style="list-style-type: none"> excluding personal information 	Human Resources

RECORD DESCRIPTION*	RESTRICTIONS	PROGRAM AREA
Hiring: <ul style="list-style-type: none"> • # of applicants per competition • # of persons interviewed / eligible for interview • screening criteria contained in the job posting • identity of selection panel • name of successful candidate once offer has been accepted 	<ul style="list-style-type: none"> • to person interviewed only 	Human Resources
Highway Operations		
Financial information on operational expenditures	<ul style="list-style-type: none"> • subject to available reports in current fiscal year 	Highway Operations
Road inventory information	<ul style="list-style-type: none"> • subject to available reports in current fiscal year 	Highway Operations
Road maintenance lists for individual roads	<ul style="list-style-type: none"> • subject to available reports in current fiscal year 	Highway Operations
Routine bridge and/or technical inspection reports	<ul style="list-style-type: none"> • subject to available reports 	Highway Operations
Approved operational/traffic policies		Highway Operations
Manuals for standards or specifications		Highway Operations
Public Works		
List of standing offers and eligible consultants, with expiry dates		Public Works
List of consultants working for Department and their current projects		Public Works
Government Services		
Office space and furniture standards		Real Property

RECORD DESCRIPTION*	RESTRICTIONS	PROGRAM AREA
Facilities procurement guide		Real Property
Material Inventory-NSIMRS Equipment Inventory		Public Safety Communications
NSIMRS Equipment Inventory		Public Safety Communications
Contracts under Nova Scotia Government Public Tenders Policy	<ul style="list-style-type: none"> subject to FOIPOP restrictions 	Procurement/ Public Tenders Office
Dispute Resolution Log	<ul style="list-style-type: none"> subject to FOIPOP restrictions 	Procurement/ Public Tenders Office
Tender RFP, RFQ and RFC documents	<ul style="list-style-type: none"> does not apply to bid responses 	Procurement/ Public Tenders Office

* Does not apply to records created prior to October 23, 2003.

APPENDIX 1

- DEFINITIONS -

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 officer responsible for receiving and responding to applications made to Nova Scotia Transportation and Public Works under the *FOIPOP Act* (currently the Acting / FOIPOP Administrator, c/o Nova Scotia Transportation and Public Works)
- “confidential business information”*** As referenced in the FOIPOP Act (Reference - s. 21) means:
“information that would reveal:
- *“trade secrets of a third party;*
 - *commercial, financial, labour relations, scientific or technical information of a third party; ... [or]*
 - *information obtained on a tax return or gathered for the purposes of determining tax liability or collecting a tax that is supplied, implicitly or explicitly, in confidence.*
- “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)(l))
“Means recorded information about an identifiable individual including
- *the individual’s name, address or telephone number;*
 - *race, national or ethnic origin, colour, or religious or political beliefs or associations;*
 - *age, sex, sexual orientation, marital status or family status;*
 - *an identifying number, symbol or other particular assigned to the individual;*
 - *fingerprints, blood type or inheritable characteristics;*
 - *the individual’s health-care history, including a physical or mental disability;*
 - *educational, financial, criminal or employment history;*
 - *anyone else’s opinion about the individual; and*
 - *the individual’s personal views or opinions, except if they are about someone else.”*

“record”

As defined in the *FOIPOP Act* (Reference - s. 3(1)(k))
“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”

the person requesting access under the Routine Access Policy

“routine access”

the routine or automatic release, in full or in part, of a specified record in response to a request without the need for a formal application for records under the *FOIPOP Act*.

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;**
- ©) 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.”*