

**ROUTINE ACCESS POLICY
NOVA SCOTIA LEGAL AID
COMMISSION
FEBRUARY 27, 2004**

(1) POLICY STATEMENT

The "Routine Access" policy for the Nova Scotia Legal Aid Commission is designed to provide persons with an opportunity to obtain certain categories of records without having to submit a ***Freedom of Information and Protection of Privacy Act*** (FOIPOP) Application. It shall be administered in accordance with the following principles:

- (a) Personal Privacy
The policy shall be applied in a manner which will be considerate and protective of the personal privacy of individuals and records subject to this policy shall be considered for release and severing in a manner consistent with the provisions of the FOIPOP Act.
- (b) Timeliness
The Nova Scotia Legal Aid Commission will respond to any "Routine Access" requests in a reasonable and timely fashion.
- (c) Cost Recovery'
Fees for the reproduction and provision of records may be charged where authorized.
- (d) Transparency
This policy shall be made readily available to the public.
- (e) Reasonableness
This policy shall apply only to requests for reasonable quantities of records.

(2) DEFINITIONS

Routine Access is the routine or automatic release, in full or in part, of certain types of administrative or operational records as a matter of course in response to a request without the need for a formal application for records under the FOIPOP Act.

Active Dissemination is the periodic and proactive release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.

FOIPOP Access is the release of a record in response to a formal FOIPOP application made under the ***Freedom of Information and Protection of Privacy Act***.

A "Record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and 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. [clause 3(1)(k) FOIPOP Act]

(3) POLICY OBJECTIVES

The ***Freedom of Information and Protection of Privacy Act*** provides applicants an opportunity to seek records from “public bodies” subject to applicable fees. “Routine Access” is a positive approach to implementation of the FOIPOP Act and is in keeping with the Act’s spirit and intent of openness and accountability. Section 2 of the Act specifies that the purpose of the Act is among other things to:

2(a) to ensure that “public bodies” are fully accountable to the public by (i) giving the public a right of access to records

cl. 2(b)(i) facilitate informed public participation in policy formulation,

(ii) ensure fairness in government decision-making,

(iii) permit the airing and reconciliation of divergent views;

(4) APPLICATION

This policy applies to all staff, and to all records designated under this policy in accordance with the attached Schedule “A”.

This policy does not apply to any information or record that is subject to solicitor/client privilege. All such information and records will be kept in the strictest confidence in keeping with the Supreme Court of Canada Decisions in ***Descoteaux v. Mierzwinski*** (1982) 141 D.L.R. (3d) 590 (S.C.C.) and ***R. v. McClure*** [2001] S.C.J. No. 13 and Rule 5 (Confidentiality) of the *Nova Scotia Barristers’ Society Legal Ethics and Professional Conduct Handbook*.

Routine Access requests only apply to information created after March 1, 2004.

This policy shall apply to requests for reasonable quantities of records and shall not apply to a request for more than fifty (50) pages of records in a particular category and/or time period. Repetitive requests by an individual for significant volumes of records or the separation of a request into several small requests totaling a large volume, shall not be subject to the policy. It is important to ensure that the application of the Routine Access policy of the Commission not unduly interfere with the day-to-day operations of the Commission.

Requests made under Routine Access do not apply to information subject to exemptions under the Act.

Personal information may be severed with the same criteria and in the same manner as requests under the FOIPOP Act.

(5) POLICY DIRECTIVES

This policy will be posted on the Nova Scotia Department of Justice web site which has a segment that provides information pertaining to the Nova Scotia Legal Aid Commission. This policy will be provided to all Managing Lawyers and to Administrative Staff within the Office of the Executive Director who would receive requests from the public and the media for records subject to the Routine Access Policy.

A tracking system will be designed to keep track of the records provided through Routine Access.

(6) POLICY GUIDELINES

Once a request for Routine Access to a particular record, or set of records, has been received by the FOIPOP Administrator for the Nova Scotia Legal Aid Commission it shall be reviewed to determine if the records are listed in Schedule "A".

If the policy applies to the request, the records shall be provided to the applicant within a reasonable period of time, but no later than thirty (30) days from receipt of the request.

If the policy does not apply to the request, a response to the requester shall be provided promptly and shall indicate what other avenues may be available to obtain the information (i.e. already provided through Active Dissemination, filing a FOIPOP request, or referred to another department or agency).

Individuals who apply under the FOIPOP Act for records available under the Routine Access Policy will have their application fee returned and the records provided.

(7) ACCOUNTABILITY

The Executive Committee of the Nova Scotia Legal Aid Commission shall be accountable for the implementation of this policy.

(8) COMPLIANCE

Any complaints respecting the application, administration or implementation of this policy may be directed to Walter I. Yeadon, Director and FOIPOP Administrator for the Nova Scotia Legal Aid Commission. Mr. Yeadon can be contacted at the following address: Nova Scotia Legal Aid Commission, 102-137 Chain Lake Drive, Halifax, NS B3S 1B3, (902) 420-6573, Walter.Yeadon@nslegalaid.ca

(9) EVALUATION

The Routine Access Program established under this policy shall be evaluated on an annual basis by the FOIPOP Administrator. Statistics on the number and types of records being requested will be kept.

(10) REFERENCES

Requests made under the Routine Access Policy will be subject to the following:

Section 27 of the FOIPOP Act which sets the parameters for dealing with personal information.

(11) INQUIRIES

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102-137 Chain Lake Drive
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(902) 420-6573
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(12) APPENDICES

Schedule "A" – Records Available Through Routine Access

SCHEDULE "A"

(1) General Requests

- the Nova Scotia Legal Aid Commission will provide readily available statistics upon verification that the information does not have personal information
- general policy statements

(2) Human Resources Division:

General:

- organizational charts with position titles
- job descriptions and pay scales
- personal service contracts excluding personal information and service or product trade secrets

Selection and Hiring Process:

- number of applicants for position
- number of persons interviewed
- name of successful candidate, once offer of employment has been accepted

(3) Finance and Administration Division

Expense/Travel Claims where provision of such information would not result in a breach of solicitor/client privilege:

- individual expense claims for a three (3) months period within the current fiscal year
- contracts for goods
- contracts for services

Note: The Nova Scotia Legal Aid Commission will provide expense claims but will do only after severing telephone numbers, address, Social Insurance Number and employee numbers have been severed.