



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada



**Halifax Regional Council**  
**May 18, 2004**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "G. Kaiser", written over a horizontal line.

Gerri Kaiser, Director of Shared Services

**DATE:** May 11, 2004

**SUBJECT:** Protection of Privacy

## INFORMATION REPORT

### ORIGIN

At the Regional Council meeting February 10<sup>th</sup>, 2004 (Item 10.3.1), Councillor Smith requested staff prepare this Information Report to address how HRM is responding to the protection of privacy requirements of the Municipal Government Act, with specific reference to by-law investigations, the Property Tax Rebate and Deferral Program and the Deferral of Local Improvements Charges (LIC's) Program, and assessment information.

## **BACKGROUND**

Within Nova Scotia, freedom of information and protection of privacy (FOIPOP) requirements are contained within the same legislation - Part XX of the MGA. The intent of the FOIPOP legislation is to balance two principles: Freedom of Information (FOI): whenever possible, information held by the Municipality should be made available to the public; and Protection of Privacy (POP): the Municipality should not improperly collect or disclose personal information.

FOIPOP provides that the public have:

- the right to request access to information held by the Municipality;
- the right to access personal information about themselves held by the Municipality;
- the right to request correction to their personal information held by the Municipality;
- controls on the collection, use and disclosure of personal information, by the Municipality; and
- the right to request independent review of decisions made under FOIPOP.

During the course of conducting municipal business, a great deal of information is produced and accumulated. The legislation supports the belief that every document held by government, regardless of format, is subject to release to the general public. Exemptions from release are designed to protect against the unreasonable invasion of personal privacy; to prevent unfair advantages occurring in commercial or government transactions; to protect law enforcement activities; and to safeguard the business conducted by government.

This report is intended to address the protection of privacy part of the legislation only. The 2003 Annual Report relative to FOIPOP applications will be produced and provided to Council as an Information Report in the near future.

## **DISCUSSION**

The MGA defines personal information as the following: "personal information is recorded information on an identifiable individual including:

- the individual's name, address or telephone number;
- the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- the individual's age, sex, sexual orientation, marital status or family status;
- an identifying number, symbol or other particular assigned to the individual;
- the individual's fingerprints, blood type or inheritable characteristics;
- information about the individual's health-care history, including a physical or mental disability;
- information about the individual's educational, financial, criminal or employment history;
- anyone else's opinions about the individual; and
- the individual's personal views or opinions, except if they are about someone else."

The Municipality collects and maintains a great deal of information for business purposes. The legislation protects personal privacy by restricting the collection, use and disclosure of this personal information and HRM staff are committed to ensuring that all available measures are employed, to protect the personal information that we hold on our residents and employees. Several initiatives that have been implemented and/or are currently under consideration include developing a **privacy** impact assessment (PIA) process whereby any new programs, services and technology will be evaluated to ensure protection of privacy is maintained, developing a personal information bank (PIB) inventory by Business Unit which will enhance our privacy protection abilities and developing a directory of information that can be routinely released thereby minimizing the likelihood of any breaches of privacy.

The following is offered as information as to how staff are currently addressing the privacy issues associated with:

### **1. By-law Investigations**

To respond to by-law complaint queries, Community Projects has implemented a guideline allowing public disclosure of the following information:

#### General Public (including the media and community groups)

- Civic address of a property
- The type of violation
- General statements regarding the status of the case, i.e. investigation in progress, invalid complaint, remedy complete, etc.
- Statistical information, i.e. number of complaints, number of remedies, etc.

#### Complainant

- Civic address of a property
- The type of violation
- General statements regarding the status of the case, i.e. investigation in progress, invalid complaint, remedy complete, etc.
- Statistical information, i.e. number of complaints, number of remedies, etc.

#### Violator

- The type of violation
- Any details that may assist in achieving compliance with the exception of any information that may compromise the investigation, the privacy of a third party or the safety of HRM staff.
- Statistical information, i.e. number of complaints, number of remedies, etc.

### HRM Councillors

- If acting on behalf of a complainant, any information that would normally be provided to a complainant through the Councillor Support Office.
- If acting on behalf of a violator, any information that would normally be provided to a violator
- High level district report provided by Councillor's Support Office. This report is not intended for public circulation.

Requests for any other information, including complainant identity, must proceed through the FOIPOP application process as only the above information can be routinely released. Compiled lists of information will not be provided to the public.

Currently, by-law case information is stored in the By-Law Complaint Tracking Database. Staff accessing Community Projects by-law information have received FOIPOP training and have been educated on routine disclosure guidelines.

## **2. Property Tax Rebate, Property Tax Deferral and Deferral of Local Improvements Charges (LIC's)**

The information to support this program is maintained in one central location and has been afforded appropriate security and access provisions. In accordance with FOIPOP and the definition of personal information, information such as assessment number, customer number, income amount and or tax amount is not released. Verification of an applicant's identity is required before the information is released. Information is not released to family members unless permission by the applicant is given.

When a report is prepared, it is usually done by District - with a count of the applications, an average income for all applicants in the district and average tax amounts. The only actuals reported are the cumulative total of awards by electoral district and for HRM as a whole.

In accordance with the MGA, any and all grants, donations and contributions must be publicly reported and the recipient and value of award identified. This public accountability is provided through the HRM Grants Program Annual Report or by responding to individual requests.

## **3. Assessment Information**

In 2003, the Province of Nova Scotia reconsidered what assessment information it would make available to the general public. The name and mailing address of the property owner is no longer provided to the general public by the Province. The decision was left to each municipal unit to determine what level of public access they would give to the assessment information. To maintain consistency and to afford personal information the same level of protection, HRM has adopted the position taken by the Province and does not provide the name and mailing address of the assessed property owner, other than for the business purpose for which it was intended.

**BUDGET IMPLICATIONS**

There are no budget implications anticipated

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

There are no recommended alternatives.

**ATTACHMENTS**

N/A

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:

\_\_\_\_\_  
Nancy Dempsey, Manager of Information Resource Management

490-4390