

## 2.1 Routine Access Policy

### Introduction

1. This Routine Access Policy (“Policy”) for the Nova Scotia Utility and Review Board (“Board”) is designed to provide persons with an opportunity to obtain certain categories of records without having to submit an Application for Access to a Record under the *Freedom of Information and Protection of Privacy Act*<sup>1</sup>. It is to be administered in accordance with the following principles:
  - a. 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 are to be considered for release and severing in a manner consistent with the provisions of the *Freedom of Information and Protection of Privacy Act*.
  - b. Responses to requests for information are to be processed in a reasonable and timely fashion.
  - c. Fees for the reproduction and provision of records may be charged where authorized.
  - d. This policy is to be readily available to the public.
  - e. This policy is to apply only to requests for reasonable quantities of records.
  - f. Nothing in this policy is intended to override the directions, decisions or orders of members or panels of the Board set down during the exercise of their quasi-judicial authority.

### Application

2. This policy applies to all Board staff and Board Members.

### Definitions

3. For purposes of this policy, the following definitions shall apply:
  - a. **“FOIPOP Act”** means the *Freedom of Information and Protection of Privacy Act*.
  - b. **“routine access”** is the routine or automatic release, in full or in part, of certain types of administrative or operational records without the need for a formal application under the *FOIPOP Act*.
  - c. **“active dissemination”** is the intentional and proactive release of information or records in the absence of a request using mechanisms such as Internet web sites, email, libraries, etc.

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<sup>1</sup> *Freedom of Information and Protection of Privacy Act* is found at: <http://nslegislature.ca/legc/statutes/freedom.htm>

- d. **“FOIPOP access”** is the release of a record in response to a formal application made under the *FOIPOP Act*.
- e. **“record”** as defined in clause 3(1)(k) of the FOIPOP Act, 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.

### **Objective**

- 4. The objective of this policy is to ensure access to certain records is provided without undue administrative burden to the public or excessive work being required of staff. It is also to reflect the spirit of openness and accountability intended in *the FOIPOP Act*.

### **Records and Requests**

- 5. This policy applies to all records designated under this policy and set down in Appendix B, attached, created after October 23, 2003.
- 6. The policy does not apply to records which are ordinarily available to the public as part of a proceeding before the Board or made available through active dissemination.
- 7. This policy applies to requests for reasonable quantities of records and is not to apply to a request for more than 50 pages of records in a particular category or time period.
- 8. Repetitive requests by an individual for significant volumes of records or the separation of a request into several small requests totalling a large volume are not subject to this policy.
- 9. It is important to ensure that the application of this policy does not unduly interfere with the day to day operations of the Board.
- 10. Requests made under this policy do not apply to information subject to specific exemptions or restrictions under the *FOIPOP Act*.
- 11. Personal information may be severed with the same criteria and in the same manner as other requests made under the *FOIPOP Act*.

### **Policy Directives**

- 12. This policy is to be provided to all members and staff who normally would receive requests from the public and the media.
- 13. Requests for information made under this policy may be received and processed by such persons the Chair may designate.
- 14. Any fees ordinarily applicable will be charged for information obtained under this policy (e.g., charges for photocopies or decisions).

15. This policy is subject to the Board's STAR<sup>2</sup> (Standard for Administrative Records) and STOR (Standard for Operational Records) when and as approved. Those standards set down the retention and storage guidelines for all Board records.

### **Policy Guidelines**

16. Requests for routine access to a particular record shall be processed within a reasonable period of time, but in any case no later than 30 days from receipt of the request.
17. If a request is made for a record not subject to this policy, the person making the request will be promptly informed and advised of other alternatives, if any, for obtaining the information sought. (e.g., the information is already publicly available, a formal Request for Access to a Record is required, or the information is held by another department or agency of government).
18. Individuals who apply under the *FOIPOP Act* for Board records available under this Routine Access Policy will have their application fee<sup>3</sup> returned and the records provided.

### **Inquiries**

19. General inquiries on application of this policy may be made to the Executive Director of the Board at (902) 424 4448 or by email at: [board@novascotia.ca](mailto:board@novascotia.ca).

### **Authority**

20. This policy is issued on the authority of the Chair and is effective as of September 23, 2004, with latest revision effective December 9, 2016.

### **References**

21. Requests made under this Routine Access Policy will be subject to the following:
  - a. *The FOIPOP Act* which sets the parameters for dealing with personal and confidential information.
  - b. Relevant sections of the *Utility and Review Board Act*<sup>4</sup> and regulations, or other statutes, regulations, or rules assigning duties to the Board and setting down specific requirements for permitting access to information in proceedings before the Board.

### **Appendices**

22. Appendix A: Examples of Publically Available Information  
Appendix B: Records Available Through Routine Access

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<sup>2</sup> STAR/STOR details can be found at <http://gov.ns.ca/nsarm/star/howto.asp>

<sup>3</sup>Section 6 (1) of the *FOIPOP Regulations*: <https://www.novascotia.ca/just/regulations/regs/foiregs.htm>

<sup>4</sup>*Utility and Review Board Act* is found at: <http://nslegislature.ca/legc/statutes/utility.htm>

## **Revision History**

23. Amended on 18 July 2012 to conform to the Board's Management Manuals' policy format.
  
24. Amended December 9, 2016 to update Appendices A and B:
  - a. Publically available information now includes Annual Schedule of Compensation.
  - b. Routine access includes salary ranges for Board Members.
  - c. Motor Carrier references updated to recognize independence changes in 2011.

## Appendix A

### Examples of Publicly Available Information

1. Generally, most Board operational or case files are a matter of public record and can be examined by contacting the Board and requesting access through the appropriate Clerk of the Board. For convenience the following is a list of publicly available information:
  - a. General information on the mandate of the Board including references to statutes, regulations, and rules of procedure.
  - b. Abbreviated biographies of Board members.
  - c. Orders and decisions of the Board.
  - d. Evidence filed in a proceeding before the Board unless ordered to be held in confidence by a member or panel. [Note: Evidence containing personal information, such as medical or financial records, is ordinarily held in confidence. Examples: Criminal Injury Compensation Appeals and Gaming Voluntary Exclusion Reinstatement Applications]
  - e. Annual Business Plan and Accountability Report including audited financial statements.
  - f. Press releases.
  - g. Information on the selection process for Board members.
  - h. Motor Carrier license particulars.
  - i. Salary information (Annual Schedule of Compensation) for those receiving \$100,000 or more in wages and benefits.
  - j. Summary information on travel expenses for Board Members and the Executive Director (effective April 1, 2016)

## Appendix B

### Records Available Through Routine Access

1. **Human Resources Matters:**
  - a. Generic information on benefits and hours of work.
  - b. Selection and Hiring process:
    - (1) Number of applicants for position
    - (2) Number of persons interviewed
    - (3) Name of successful candidate, once offer of employment has been accepted
  - c. Salary ranges for Board Members
2. **Motor Carrier Matters:**
  - a. Business contact information for specific licensed carriers.
3. **Financial and Administrative Matters:**
  - a. Current individual expense claims for specifically identified individuals not including invoices or individual credit card bills (limited to three current staff persons over a period of three months) and subject to any privacy issues.
  - b. Contracts made under the N.S. Government Public Tenders process, unless confidentiality of certain business or personal information is requested by the contracting party, and subject to the applicable discretionary exemptions - such as financial harm to the Board, Province or third party - which may apply in certain situations.