

tion act than individual citizens, special interest groups, and business. Consumer, native, environmental, and civil libertarian organizations need access to government documents—produced, after all, by their own tax dollars—in order to study government policy and practice. Only the published results of such studies will command the attention and comment of journalists and Opposition MPs. In the first instance of applying for access, these groups and individuals need the protection of a powerful, independent arbiter of access disputes, not the fragile attention of some official who is subject to the very minister whose policy is under assault. Therefore, only the courts or some Information Commissioner empowered to release documents can render a freedom of information act more than political window-dressing.

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Nova Scotia's Freedom of Information Act

Nova Scotia has just passed an Act Respecting Access to the Public to Information on File with the Government (Acts of 1977, Chapter 10, which became law on 19 May 1977), which may be cited as the Freedom of Information Act. The opening clause of the preamble has a ring which Joseph Howe would have appreciated:

Whereas since 1848 the people of the Province of Nova Scotia have had responsible government whereby the members of the House of Assembly and the members of the Executive Council are responsible for their actions to the people who have elected them through regularly held elections . . .

The categories to which the act applies include such formal documents as staff manuals and instructions to staff which affect the public; rules of procedure and forms in current use; statements and interpretations of general policy; departmental annual reports, programs and policies; final decisions of administrative tribunals; and personal information contained in files pertaining to the individual making the request. Personal information here refers to "information respecting a person's identity, residence, dependents, marital status, employment, borrowing and repayment history, income assets and liabilities, credit worthiness, education, character, reputation, health, physical characteristics or mode of living." Further clauses allow an individual to have errors in his or her personal record corrected and to limit the use of the information to the purpose for which it was provided and so prevent the use of such information by another department without the consent of the individual. If publication of information is contemplated at a future date or such information is already published, the applicant shall be so informed.

If access to information is not forthcoming, then a formal written request must be submitted. A reply should be received in fifteen days; no reply within this time constitutes a denial. However, a denial in writing with an explanation must follow. There is machinery for appeal to the Minister and as a last resort to the House of Assembly. So far there have not been any remarkable cases under the Act and the Public Archives of Nova Scotia remains unaffected by it. Documents freely available before the passage of the Act remain so.

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