

Privacy Review Officer Act

CHAPTER 42 OF THE ACTS OF 2008

as amended by

2025, c. 8, s. 28



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An Act to Provide for a Privacy Review Officer

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Privacy Review Officer Act*. 2008, c. 42, s. 1.

Interpretation

- 2** (1) In this Act,
- (a) “privacy complaint” means a complaint about a privacy matter arising out of a privacy provision;
- (b) “privacy provisions” means the privacy provisions in Sections 24 to 31 of the *Freedom of Information and Protection of Privacy Act*;
- (c) “review provisions” means the review provisions in Sections 34 to 41 of the *Freedom of Information and Protection of Privacy Act*.
- (2) Words and expressions in this Act have the same meaning as in the *Freedom of Information and Protection of Privacy Act*.
- (3) A reference in this Act to the privacy provisions must be read in the context of the other provisions in the *Freedom of Information and Protection of Privacy Act*. 2008, c. 42, s. 2.

MARCH 26, 2025

Application of Act

3 This Act applies to all records in the custody or under the control of a public body to which the *Freedom of Information and Protection of Privacy Act* applies and, for greater certainty, Section 4 of that Act applies *mutatis mutandis* to this Act. 2008, c. 42, s. 3.

Privacy Review Officer

4 (1) The Governor in Council shall appoint a person to serve as the Privacy Review Officer.

(2) The Governor in Council may appoint the Review Officer appointed under the *Freedom of Information and Protection of Privacy Act* or another officer appointed under legislation as the Privacy Review Officer under this Act.

(3) Subsections 33(2) to (7) of the *Freedom of Information and Protection of Privacy Act* apply *mutatis mutandis* to the Privacy Review Officer. 2008, c. 42, s. 4.

Powers of Privacy Review Officer

5 (1) In addition to the Privacy Review Officer's duties and powers referred to in Section 6 with respect to reviews, the Privacy Review Officer may

(a) monitor how the privacy provisions are administered and conduct reviews of privacy complaints arising from the privacy provisions;

(b) initiate an investigation of privacy compliance if there are reasonable grounds to believe that a person has contravened or is about to contravene the privacy provisions and the subject-matter of the review relates to the contravention;

(c) make recommendations on and mediate privacy complaints;

(d) undertake research matters concerning privacy legislation;

(e) inform the public about this Act;

(f) on the request of a public body, provide advice and comments on privacy.

(2) The Privacy Review Officer may only exercise the powers under clauses (1)(a) and (c) after the person who has made the complaint has completed the use of the internal privacy-complaint procedure of the public body to which the complaint was made. 2008, c. 42, s. 5.

Reviews

6 (1) A person who believes that his or her own personal information has been collected, used or disclosed in contravention of the privacy provisions may ask the Privacy Review Officer to review that matter.

(2) Sections 34 to 41 of the *Freedom of Information and Protection of Privacy Act*, and related provisions in that Act, apply *mutatis mutandis* to a review.

(3) For greater certainty, “related provisions” in subsection (2) includes related regulations made under the *Freedom of Information and Protection of Privacy Act*. 2008, c. 42, s. 6.

May disregard certain complaints

6A The Privacy Review Officer may disregard one or more privacy complaints if the Privacy Review Officer is of the opinion that

- (a) the complaints are trivial, frivolous or vexatious;
- (b) the complaints do not relate to the applicant’s personal information;
- (c) the complaints amount to an abuse of the right to make a complaint because they are
 - (i) unduly repetitive or systematic,
 - (ii) excessively broad or incomprehensible, or
 - (iii) otherwise not made in good faith; or
- (d) responding to the complaints would unreasonably interfere with the operations of the public body. 2025, c. 8, s. 28.

Time for decision

6B Decisions under Section 6A must be made within 14 days of the receipt of a privacy complaint. 2025, c. 8, s. 28.

Requirements for decision

6C In a decision under Section 6A, the Privacy Review Officer shall state

- (a) that privacy complaints are refused and the reason why;
 - (b) the reasons for the Privacy Review Officer’s decision; and
 - (c) that the applicant may make an application for judicial review.
- 2025, c. 8, s. 28.

Discontinuance of complaint

6D The Privacy Review Officer may, at any stage of a privacy complaint, refuse to conduct the complaint or discontinue the complaint for whatever reason the Privacy Review Officer considers proper or necessary including if the Privacy Review Officer is of the opinion that

- (a) the institution has responded adequately to the complaint;
- (b) the complaint has been or could be more appropriately dealt with, initially or completely, by means of a procedure other than a complaint under this Act;
- (c) there is insufficient evidence to warrant a complaint;
- (d) the complaint is trivial, frivolous or vexatious or is made in bad faith;
- (e) the subject-matter of the complaint is already the object of an ongoing review under this Section; or

(f) the subject-matter of the complaint has already been addressed by the Privacy Review Officer. 2025, c. 8, s. 28.

Notice of decision

6E Upon the Privacy Review Officer making a decision under Section 6D, the Privacy Review Officer shall

(a) notify the applicant that the Privacy Review Officer has refused to conduct the complaint or discontinued the complaint, as the case may be;

(b) give the applicant the reasons for the Privacy Review Officer's decision; and

(c) inform the applicant that the applicant may file a request for judicial review with the Supreme Court of Nova Scotia respecting the decision. 2025, c. 8, s. 28.

Regulations

7 (1) The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) further defining any word or expression defined in this Act;

(c) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

(3) A regulation may apply to all persons or bodies or to a class of persons or bodies to whom this Act applies and there may be different regulations for different classes of such persons or bodies. 2008, c. 42, s. 7.

Proclamation

8 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 2008, c. 42, s. 8.

Proclaimed - September 24, 2009
In force - September 25, 2009
