



# Access & Privacy

## Contractor's Guide



### Is there any other access & privacy legislation that a contractor needs to comply with?

**Yes** – PIIDPA which stands for the Personal Information International Disclosure Protection Act. This Act provides additional protection to the personal information held by Nova Scotia “public bodies” and municipalities. External service providers to public bodies and municipalities are subject to this legislation if there is collection, use, or disclosure of personal information involved in their work.

### Is a contractor a service provider?

**Yes** – a service provider is an individual or a company that is retained under a contract to perform services for a public body, and in performing those services, uses, discloses, manages, stores or accesses personal information in the custody or under the control of that public body.

### What PIIDPA obligations does a contractor have?

PIIDPA states that personal information cannot be stored outside of Canada or accessed from outside of Canada, unless certain circumstances exist. These circumstances can only be approved by HRM.

For further information on your access and privacy responsibilities, please contact HRM's Access & Privacy Officer at 490-4390 or by email at [accessandprivacy@halifax.ca](mailto:accessandprivacy@halifax.ca) or visit the website at: <http://www.halifax.ca/accessprivacy/>



## What is access & privacy?

The Municipal Government Act (MGA), which provides authority for most of the activities and operations of municipal governments in Nova Scotia, also contain provisions relating to access and privacy.

The guiding purpose of access and privacy is:

- Access to Information – provides the public with the right to request a copy of any record within the custody or control of a municipal public body; there are limited exemptions that may apply.
- Protection of Privacy – provides individuals with the right to access their own personal information and prevents the unauthorized collection, use and disclosure of that information.

## What is considered a record under the legislation?

Anything recorded in any form is considered a record.

## What is personal information?

Information about an identifiable individual is considered to be personal information including name, address, phone number, email address; characteristics; status; an identifying number, symbol or other particular assigned to an individual – SIN, employee #; educational & employment history; personal history; opinions, references about an individual; and an individual's own views or opinions.

## What should a contractor know about access & privacy?

The public can request access to information about contracts. Unless a contractor can show that they had a reasonable expectation of confidentiality and that disclosing the contract or parts of the contract would be harmful to the contractor's business interests, the contract must be disclosed.

HRM is committed to being an open and accountable government and to protecting the privacy of personal information.

## As a Contractor providing services to HRM, should you be aware of access and privacy requirements?

**Yes** – the access and privacy provisions apply to information about services provided by or on behalf of HRM. HRM is required to ensure that contractors providing services on its behalf follow the access and privacy rules. Contractors must protect any personal information that they collect or have access to and they must be able to produce records that an individual may request from HRM. These would be records about the services provided to HRM – not records about the contractor's own operations.

## Are there key access and privacy points that a contractor should be aware of?

**Yes** – depending on the type, complexity and duration of your business arrangement with HRM, a contractor may have responsibilities in the areas of records management, the protection of privacy, access to information, compliance monitoring, and possible limits on subcontracting.

## What should a prospective contractor consider when bidding on a contract with HRM?

A contractor should consider what type of records will be produced and how best these records can be managed so that any personal information contained in the records can be protected and that any requests for access can be easily accommodated.

A contractor should identify any sensitive commercial or financial information in a bid or a proposal. The confidentiality cannot be guaranteed but it will be reviewed in the event of an access request. **Please note, a contractor cannot mark their entire bid or proposal as confidential.**

## What are your privacy obligations?

You have obligations regarding the collection, use, storage, disclosure, retention and disposition of any personal information you collect. You are also obligated to immediately report any privacy breaches to HRM's Access & Privacy Office.