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19 September, 2006

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Ms. Carole Olsen
Superintendent
Halifax Regional School Board
90 Alderney Drive
Dartmouth, Nova Scotia B2Y 4S8

Dear Ms. Olsen,

RE: Open letter in reference to HRSB failure to address identified Public Interest

In April 2005, the Atlantic Institute for Market Studies requested a set of basic information from every school board in Nova Scotia. We requested things that are readily available in neighbouring provinces and, in fact, commonly reported online in many jurisdictions around the world. These data included: average scores on provincial exams, average teacher assigned grades in those courses, average grades of junior high graduates, school attendance figures, discipline statistics and the postal codes of students attending the various schools (suitably tabulated and separated from personal identifying factors of course). Regrettably, we were forced to make this request under the Freedom of Information and Protection of Privacy Act after multiple requests for voluntary release were ignored or rejected.

Earlier this year, the Nova Scotia Freedom of Information and Protection of Privacy Review Officer released a report reviewing the decision of the Halifax Regional School Board to charge fees of over \$24,000 to the Atlantic Institute for Market Studies to access this data. In his ruling, the Review Officer recommended, based on the high level of public interest involved in the data, that the HRSB waive or significantly reduce the fees associated with the request. He also stated unequivocally that HRSB, along with the other provincial school boards, should immediately release this information and put in place processes to provide this information from a central source.

Since that time, five other school boards including Cape Breton-Victoria Regional School Board, South Shore Regional School Board, Strait Regional School Board, Chignecto-Central Regional School Board, and



Conseil scolaire acadien provincial have all responded to the review process by waiving all fees associated with the information request and releasing the information to the public. Two others, Tri-County Regional School Board and Annapolis Valley Regional School Board have made efforts to access the data they had available and have submitted what records they could without charging any fees. As well, the Nova Scotia Department of Education has agreed to facilitate the collection of this data going forward and have committed to make it publicly available at no cost.

In stark contrast to the positive steps taken by its peers and by the Department, HRSB has refused to waive the fees despite the demonstrable public interest, despite the ruling of the Review Officer and despite stated interest by HRSB staff in having and using this data more effectively in house. Yes, the estimated fees to gather the information have now been reduced to \$5,670.00. That is commendable, but why should any member of the public pay twice to create a process to collect and release information where the release of that information is demonstrably in the public interest? Such an outcome seems especially out of place where the information should already be routinely available, where the Department is now requiring you to collect and release the information going forward, and where your own staff have indicated they should have (and are eager to use) that information as part of your highly commendable commitment to data based decision making.

We note that the legislation does not require that fees be charged or collected, only that they may be. In two recent Nova Scotia FOIPOP Reviews the acting Review Officer has gone even further. In one case, he declared “We must be careful to ensure fees associated with access to information requests **are not designed as a cost recovery mechanism, nor as a barrier to public access to information.**” In the other, he actually recommended a fee waiver and a reimbursement of all previous fees paid because of the significant public interest involved.

Given these events and decisions, we ask again that you make this basic information readily available to your staff, the Department and the public at no cost to the user. As you know, this issue is headed to the courts in November. Surely the public interest is served far better by HRSB taking the money that will be spent in fighting this court action and spending it internally on creating the processes necessary to collect, track and release this information to your students, parents and the general public.

Regards,

ORIGINAL SIGNED BY:

Charles Cirtwill
Vice-President and Director of Operations

cc Gary O’Hara, Chair, Halifax Regional School Board
Members, Halifax Regional School Board
Honourable Karen Casey, Minister of Education