

2006

S.H. No. 263926A

IN THE SUPREME COURT OF NOVA SCOTIA
And
IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 41
OF THE FREEDOM OF INFORMATION AND PROTECTION OF
PRIVACY ACT, S.N.S. 1993, c.5

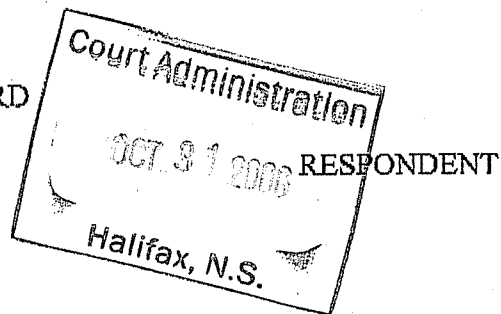
BETWEEN:

ATLANTIC INSTITUTE FOR MARKET STUDIES

APPELLANT/
APPLICANT FOR INFORMATION

- and -

HALIFAX REGIONAL SCHOOL BOARD

AFFIDAVIT

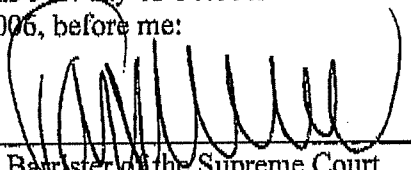
I, Bernie MacKinnon, of the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say as follows:

1. I am Coordinator of Human Resource Services for the Cape Breton - Victoria Regional School Board (CBVRSB), and as such have personal knowledge of all the matters herein deposed to except where stated to be by way of information and belief.
2. The CBVRSB is a body corporate created pursuant to the *Education Act*, S.N.S. 1995-96, c.1. The CBVRSB has a mandate to deliver public education programs and services to students whose parents reside in the geographic boundaries of the Cape Breton Regional Municipality and Victoria County, which boundaries match the geographic boundaries of the CBVRSB.
3. On May 2, 2005, the CBVRSB received a request from the Atlantic Institute of Market Studies (AIMS) for a variety of information related to student grades, attendance and other statistics. A true copy of AIMS' request is attached at Exhibit "A".
4. On February 21, 2006, I advised AIMS the CBVRSB would make available what information existed at the CBVRSB schools, but stressed the information would not be

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via letter


complete. I told the Review Officer with a copy of Mr. Charles Cirtwell, we would provide attendance rates, discipline statistics, postal code information and average grade nine marks at no charge for the current year and whatever was available from past years. We were unable to provide this information for the past five years as requested by AIMS.

- 5. This information was provided by the end of February, 2006.
- 6. The CBVRSB was not able to provide all information requested by AIMS, because much of the information requested did not exist.
- 7. The CBVRSB did not create any records in order to provide the above information, and did not charge any fee to AIMS.
- 8. I make this Affidavit related to an appeal filed pursuant to Section 41 of the *Freedom of Information and Protection of Privacy Act*, and for no other improper purpose.

SWORN TO at Sydney,)
 in the County of Cape Breton,)
 Province of Nova Scotia,)
 this 31st day of October)
 2006, before me:)
)
)
)
)
)
)
)

A Barrister of the Supreme Court of Nova Scotia

TONY W. MOZVIK
A Barrister and Solicitor of the Supreme Court of Nova Scotia



 BERNIE MACKINNON

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Delivered via facsimile (902) 564-0123. Original to follow by mail.

April 29, 2005

.....
 referred to in
 the Affidavit of Bernie MacKinnon
 Sworn before me this 27th day of
October, A.D., 2005 at Sydney
 N.S.

.....
 A Barrister of the Supreme
 Court of Nova Scotia

RECEIVEDMAY 02 2005 *BM***HUMAN RESOURCES**

Mr. Bernie MacKinnon
 FOIPOP Administrator
 Cape Breton-Victoria Regional School Board
 275 George Street
 Sydney, NS B1P 1J7

Dear Mr. MacKinnon,

Please find enclosed a cheque in the amount of \$50.00. Under the *Freedom of Information and Protection of Privacy Act* I hereby request the following information from the Cape Breton-Victoria Regional School Board:

1. A complete listing of the average exam grade and the number of students writing exams in provincially examined courses, specifically: math, physics, chemistry/chimie, English, English Communications;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
2. A complete listing of the average teacher assigned grades in the above mentioned courses;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
3. A complete listing of the average overall grade, and the number of students enrolled in the above mentioned courses;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
4. Percentage or number of grade twelve students with a graduating average of greater than 80 per cent;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
5. A complete listing of the average grade for grade 9 graduates;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);

6. A complete listing of annual student attendance rates in grades 10, 11, and 12;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
7. A complete listing of discipline statistics including but not limited to suspensions and expulsions, in grades 10, 11, and 12;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
8. Number of students by postal code in grades 10, 11, and 12;
 - o The above should be listed by school;
 - o Please provide a listing for each of the last five years (from June 2004 back);
9. A list of other alternative measures of student performance, school effectiveness or student/parent/staff satisfaction or opinions collected or maintained by the Board or reported to the Province for each of the last five years (from June 2004 back).

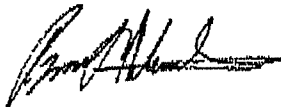
In requesting this data through the *Freedom of Information and Protection of Privacy Act* information provided does not have to be provided in strict accordance with the *Act* if the above requirements can be filled outside the act or through informal release of this information.

If possible, I would like the list provided to me in an electronic format, ideally in a Microsoft Excel format, or as a delimited text file.

If you have any questions, please do not hesitate to contact me, my direct telephone number is (613) 823-8134, or by e-mail at brucewinchester@aims.ca

Thanks for your assistance in this matter.

Regards,



Bruce Winchester MA
Director of Research Services
Atlantic Institute for Market Studies

Encl.

cc: Mr. Ed Davis, Superintendent