

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 36, No. 25

December 14, 2012

Contents

Act	Reg. No.	Page
Dairy Industry Act		
Milk Classes and Categories Regulations—amendment	218/2012	694
Municipal Elections Act		
Retention of Documents Regulations	214/2012	682
Personal Health Information Act		
Proclamation of Act, S. 115, S.N.S. 2010, c. 41	216/2012	685
Personal Health Information Regulations	217/2012	686
Petroleum Products Pricing Act		
Prescribed Petroleum Products Prices	213/2012	680
Prescribed Petroleum Products Prices	215/2012	683

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 213/2012

Made: November 22, 2012

Filed: November 23, 2012

Prescribed Petroleum Products Prices

Order dated November 22, 2012
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-12-49****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Peter W. Gurnham, Q.C., Chair**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended November 21, 2012, are:

Grade 1 Regular gasoline	73.7¢ per litre
Ultra-low-sulfur diesel oil	82.4¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	73.7¢ per litre
Grade 2	76.7¢ per litre
Grade 3	79.7¢ per litre
Ultra-low-sulfur diesel oil	82.4¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.2¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.2¢ per litre

And whereas a winter blending adjustment of plus 2.2¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., November 23, 2012.

Dated at Halifax, Nova Scotia, this 22nd day of November, 2012.

Sgd: D. Pedlar
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on November 23, 2012**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	80.0	10.0	15.5	105.5	126.8	128.9	126.8	999.9
Mid-Grade Unleaded	83.0	10.0	15.5	108.5	130.3	132.4	130.3	999.9
Premium Unleaded	86.0	10.0	15.5	111.5	133.7	135.8	133.7	999.9
Ultra-Low-Sulfur Diesel	91.3	4.0	15.4	110.7	132.8	134.9	132.8	999.9
Zone 2								
Regular Unleaded	80.5	10.0	15.5	106.0	127.4	129.5	127.4	999.9
Mid-Grade Unleaded	83.5	10.0	15.5	109.0	130.9	132.9	130.9	999.9
Premium Unleaded	86.5	10.0	15.5	112.0	134.3	136.4	134.3	999.9
Ultra-Low-Sulfur Diesel	91.8	4.0	15.4	111.2	133.4	135.5	133.4	999.9
Zone 3								
Regular Unleaded	80.9	10.0	15.5	106.4	127.9	130.0	127.9	999.9
Mid-Grade Unleaded	83.9	10.0	15.5	109.4	131.3	133.4	131.3	999.9
Premium Unleaded	86.9	10.0	15.5	112.4	134.8	136.9	134.8	999.9
Ultra-Low-Sulfur Diesel	92.2	4.0	15.4	111.6	133.9	135.9	133.9	999.9
Zone 4								
Regular Unleaded	81.0	10.0	15.5	106.5	128.0	130.1	128.0	999.9
Mid-Grade Unleaded	84.0	10.0	15.5	109.5	131.4	133.5	131.4	999.9
Premium Unleaded	87.0	10.0	15.5	112.5	134.9	137.0	134.9	999.9
Ultra-Low-Sulfur Diesel	92.3	4.0	15.4	111.7	134.0	136.0	134.0	999.9
Zone 5								
Regular Unleaded	81.0	10.0	15.5	106.5	128.0	130.1	128.0	999.9
Mid-Grade Unleaded	84.0	10.0	15.5	109.5	131.4	133.5	131.4	999.9
Premium Unleaded	87.0	10.0	15.5	112.5	134.9	137.0	134.9	999.9
Ultra-Low-Sulfur Diesel	92.3	4.0	15.4	111.7	134.0	136.0	134.0	999.9
Zone 6								
Regular Unleaded	81.7	10.0	15.5	107.2	128.8	130.9	128.8	999.9
Mid-Grade Unleaded	84.7	10.0	15.5	110.2	132.3	134.3	132.3	999.9
Premium Unleaded	87.7	10.0	15.5	113.2	135.7	137.8	135.7	999.9
Ultra-Low-Sulfur Diesel	93.0	4.0	15.4	112.4	134.8	136.9	134.8	999.9

N.S. Reg. 214/2012

Made: November 23, 2012

Filed: November 29, 2012

Retention of Documents Regulations

Order dated November 23, 2012

Regulations made by the Minister of Service Nova Scotia and Municipal Relations
pursuant to Section 167 of the *Municipal Elections Act***In the matter of Section 167 of Chapter 300 of
the Revised Statutes of Nova Scotia, 1989,
the *Municipal Elections Act*****- and -****In the matter of regulations respecting the retention of documents
made by the Minister of Service Nova Scotia and Municipal Relations****Order**

I, John MacDonell, Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia, pursuant to Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989, the *Municipal Elections Act*, hereby make regulations prescribing documents to be retained by a clerk as required by Section 141 of the Act in the form set forth in Schedule “A”, effective on and after the date of this Order.

Dated and made November 23, 2012, at Halifax Regional Municipality, Province of Nova Scotia.

Sgd: *John MacDonell*

Honourable John MacDonell,

Minister of Service Nova Scotia and Municipal Relations

Schedule “A”**Regulations Respecting the Retention of Documents
made by the Minister of Service Nova Scotia and Municipal Relations
under Section 167 of Chapter 300 of the Revised Statutes of Nova Scotia, 1989,
the *Municipal Elections Act*****Citation****1** These regulations may be cited as the *Retention of Documents Regulations*.**Documents prescribed for purpose of Section 141 of Act****2** Disclosure statements that are filed by candidates and agents of associations under subsection 49A(8) of the Act are prescribed as documents that must be retained by a clerk under Section 141 of the *Municipal Elections Act*.

N.S. Reg. 215/2012

Made: November 29, 2012

Filed: November 30, 2012

Prescribed Petroleum Products Prices

Order dated November 29, 2012
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**NSUARB-GAS-W-12-50****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roland A. Deveau, Q.C., Vice-Chair**Order**

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended November 28, 2012, are:

Grade 1 Regular gasoline	72.0¢ per litre
Ultra-low-sulfur diesel oil	82.0¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	72.0¢ per litre
Grade 2	75.0¢ per litre
Grade 3	78.0¢ per litre
Ultra-low-sulfur diesel oil	82.0¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.6¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.4¢ per litre

And whereas a winter blending adjustment of plus 2.1¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., November 30, 2012.

Dated at Halifax, Nova Scotia, this 29th day of November, 2012.

Sgd: Elaine Wagner
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on November 30, 2012**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	77.9	10.0	15.5	103.4	124.4	126.5	124.4	999.9
Mid-Grade Unleaded	80.9	10.0	15.5	106.4	127.9	130.0	127.9	999.9
Premium Unleaded	83.9	10.0	15.5	109.4	131.3	133.4	131.3	999.9
Ultra-Low-Sulfur Diesel	90.2	4.0	15.4	109.6	131.6	133.6	131.6	999.9
Zone 2								
Regular Unleaded	78.4	10.0	15.5	103.9	125.0	127.1	125.0	999.9
Mid-Grade Unleaded	81.4	10.0	15.5	106.9	128.5	130.5	128.5	999.9
Premium Unleaded	84.4	10.0	15.5	109.9	131.9	134.0	131.9	999.9
Ultra-Low-Sulfur Diesel	90.7	4.0	15.4	110.1	132.1	134.2	132.1	999.9
Zone 3								
Regular Unleaded	78.8	10.0	15.5	104.3	125.5	127.5	125.5	999.9
Mid-Grade Unleaded	81.8	10.0	15.5	107.3	128.9	131.0	128.9	999.9
Premium Unleaded	84.8	10.0	15.5	110.3	132.4	134.4	132.4	999.9
Ultra-Low-Sulfur Diesel	91.1	4.0	15.4	110.5	132.6	134.7	132.6	999.9
Zone 4								
Regular Unleaded	78.9	10.0	15.5	104.4	125.6	127.7	125.6	999.9
Mid-Grade Unleaded	81.9	10.0	15.5	107.4	129.0	131.1	129.0	999.9
Premium Unleaded	84.9	10.0	15.5	110.4	132.5	134.6	132.5	999.9
Ultra-Low-Sulfur Diesel	91.2	4.0	15.4	110.6	132.7	134.8	132.7	999.9
Zone 5								
Regular Unleaded	78.9	10.0	15.5	104.4	125.6	127.7	125.6	999.9
Mid-Grade Unleaded	81.9	10.0	15.5	107.4	129.0	131.1	129.0	999.9
Premium Unleaded	84.9	10.0	15.5	110.4	132.5	134.6	132.5	999.9
Ultra-Low-Sulfur Diesel	91.2	4.0	15.4	110.6	132.7	134.8	132.7	999.9
Zone 6								
Regular Unleaded	79.6	10.0	15.5	105.1	126.4	128.5	126.4	999.9
Mid-Grade Unleaded	82.6	10.0	15.5	108.1	129.8	131.9	129.8	999.9
Premium Unleaded	85.6	10.0	15.5	111.1	133.3	135.4	133.3	999.9
Ultra-Low-Sulfur Diesel	91.9	4.0	15.4	111.3	133.5	135.6	133.5	999.9

N.S. Reg. 216/2012

Made: December 4, 2012

Filed: December 4, 2012

Proclamation, S. 115, S.N.S. 2010, c. 41

Order in Council 2012-370 dated December 4, 2012

Proclamation made by the Governor in Council

pursuant to Section 115 of the

Personal Health Information Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated November 1, 2012, and pursuant to Section 115 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, is pleased to order and declare by proclamation that Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, do come into force on and not before June 1, 2013.

PROVINCE OF NOVA SCOTIA

sgd: **J. J. Grant**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 115 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, it is enacted as follows:

115 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, do come into force on and not before June 1, 2013;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, do come into force on and not before June 1, 2013, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Brigadier-General, the Honourable J. J. Grant
(Retired), Lieutenant Governor of the Province of
Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 4th day of December in the year of Our Lord two thousand and twelve and in the sixty-first year of Our Reign.

BY COMMAND:

sgd: Ross Landry
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 217/2012

Made: December 4, 2012

Filed: December 4, 2012

Personal Health Information Regulations

Order in Council 2012-371 dated December 4, 2012
Regulations made by the Governor in Council
pursuant to Section 110 of the *Personal Health Information Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness dated November 1, 2012, and pursuant to Section 17 of Chapter 208 of the Revised Statutes of Nova Scotia, 1989, the *Hospitals Act*, and Section 110 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, is pleased, effective on and after June 1, 2013:

- (a) pursuant to Section 17 of Chapter 208 of the Revised Statutes of Nova Scotia, 1989, the *Hospitals Act*, to repeal the *Release of Patient Information Fees Regulations*, N.S. Reg. 28/2004, made by the Governor in Council by Order in Council 2004-106 dated March 12, 2004; and
- (b) pursuant to Section 110 of Chapter 41 of the Acts of 2010, the *Personal Health Information Act*, to make new regulations respecting the collection, use, and disclosure of personal health information and respecting record access fees in the form set forth in Schedule “A” attached to and forming part of the report and recommendation.

Schedule “A”

**Regulations Respecting the Collection, Use and Disclosure
of Personal Health Information and Respecting Record Access Fees
made by the Governor in Council under Section 110 of
Chapter 41 of the Acts of 2010, the *Personal Health Information Act***

Citation

1 These regulations may be cited as the *Personal Health Information Regulations*.

Interpretation

Definitions for Act and regulations

2 (1) In the Act,

“applicant”, in subsection 102(1) and clauses 103(5)(b) and (c) of the Act, means an individual whose personal health information was the subject of a review under clause 92(2)(a), (2)(b) or (3)(a) of the Act;

“data linkage” means the bringing together of 2 or more records of personal health information to form a composite record;

“electronic health record” means an electronic information system that is approved by the Minister and integrates data from multiple electronic information systems for the purpose of providing a comprehensive record of an individual’s personal health information;

“health information” has the same meaning as “personal health information”.

- (2) In the Act and these regulations, “electronic information system” means a computer system that generates, sends, receives, stores or otherwise processes personal health information.
- (3) In these regulations, “Act” means the *Personal Health Information Act*.

Additional custodians prescribed

3 The following organizations or classes of organizations are prescribed as custodians for the purposes of subclause 3(f)(x) of the Act:

- (a) a Nova Scotia Hearing and Speech Centre;
- (b) a home care agency that is approved by the Department of Health and Wellness and has a service agreement with a district health authority under the *Health Authorities Act* or with the Izaak Walton Killam Health Centre;
- (c) a home oxygen agency that is approved by and has a service agreement with the Department of Health and Wellness.

Designation of health-care service

4 The following services are designated as health-care services for the purposes of subclause 3(k)(vi) of the Act:

- (a) an assessment under the *Adult Protection Act*;
- (b) the taking of a donation of blood or blood products, bodily parts or other bodily substances from an individual.

Designation of prevailing provisions

5 The provisions set out in the following table are designated for the purposes of subsection 7(3) of the Act:

Act or Regulations	Designated Provision
<i>Adoption Information Act</i>	Section 5
<i>Adult Protection Act</i>	Section 5
<i>Auditor General Act</i>	Section 14
<i>Child Pornography Reporting Act</i>	Section 3
<i>Children and Family Services Act</i>	Sections 23, 24, 25, 26, and 61

<i>Day Care Regulations under the Day Care Act</i>	Subsections 30(1), (2), (3) and (4)
<i>Fatality Investigations Act</i>	Sections 7, 9, 10, 11, 12, subsection 13(3), subsection 14(2), and Section 23
<i>Gunshot Wounds Mandatory Reporting Act</i>	Section 3
<i>Health Act</i>	Section 101
<i>Health Protection Act</i>	Section 15, subsection 16(2), Section 31, subsections 32(1) and (2), clause 32(3)(g), Sections 40, 42 and 50, clause 58(1)(e) and Sections 62 and 65
<i>Homes for Special Care Act</i>	Sections 10 and 11
<i>Homes for Special Care Regulations under the Homes for Special Care Act</i>	Subsections 25(1), (2), and (3)
<i>Juries Act</i>	Section 8
<i>Juries Regulations under the Juries Act</i>	Section 4
<i>Mandatory Testing and Disclosure Act</i>	clause 9(1)(b) and Section 10
<i>Prescription Monitoring Act</i>	Sections 18, 20 and 23
<i>Protection for Persons in Care Act</i>	Sections 4, 5, and 6
<i>Sharing of Health Information Regulations under the Correctional Services Act and the Court Houses and Lockup Houses Act</i>	Sections 1, 2, 3 and 4
<i>Victims' Rights and Services Act</i>	Section 11A
<i>Criminal Injuries Compensation Regulations under the Victims' Rights and Services Act</i>	Section 3

Collecting and Using Health-card Numbers

Authorization for specified non-custodians and purposes

6 For the purposes of clause 27(b) of the Act, each of the following non-custodian individuals and organizations is authorized to collect and use an individual's health-card number for the purpose or purposes specified:

- (a) the Workers' Compensation Board of Nova Scotia, to assess an injured worker's entitlement to benefits;
- (b) the Minister of Community Services, for any of the following purposes:
 - (i) to facilitate health care for children in the Child Welfare or Children in Care program,

- (ii) to indicate eligibility for a pharmacare program established under the *Fair Drug Pricing Act*,
 - (iii) to facilitate health care for clients of the Services for Persons with Disabilities program,
 - (iv) to determine benefits under the *Employment Support and Income Assistance Act*,
 - (v) to facilitate the operation of the Child Abuse Register established under the *Children and Family Services Act*;
- (c) the Minister of Service Nova Scotia and Municipal Relations, Vital Statistics Division, for identification purposes in registering births and deaths;
 - (d) the Office of the Public Trustee, to facilitate health care decisions for its clients and for the financial management of its clients' estates.

Authorization for non-custodian facilitating provision of Provincially funded insured health services

7 For the purposes of clause 27(b) of the Act, a non-custodian is authorized to collect and use an individual's health-card number for the purposes of facilitating the provision of insured services.

Complaints

Complaints policy

- 8 (1)** A complaints policy implemented by a custodian under subsection 62(2) of the Act must include the following:
- (a) a requirement that an individual submit a complaint to the custodian in writing; and
 - (b) a statement of the time period following receipt of a written complaint during which the custodian must process, investigate and make a decision on the complaint and reply to the complainant.
- (2)** Subject to subsection (3), the time period referred to in clause (1)(b) must be no longer than 60 days.
- (3)** A custodian who receives a complaint may, by written notice to the complainant before the end of the time period specified in the custodian's complaints policy, extend the time period
- (a) by no more than 30 days; or
 - (b) with the Review Officer's permission, by a period longer than 30 days, if either of the following ~~apply~~ [applies]:
 - (i) replying to the complaint within the 30-day extension period would unreasonably interfere with the activities of the custodian,
 - (ii) the time required to undertake the consultations necessary to reply to the request within the 30-day extension period would make it not reasonably practical to reply within that time.

Mediation

9 (1) Mediation under subsection 96(1) of the Act must be agreed to by both the individual whose personal health information is the subject of the review and the custodian.

- (2) The 30-day period referred to in subsection 96(2) of the Act begins on the date on which the Review Officer contacts the applicant and the custodian to initiate mediation.
- (3) The Review Officer must remain neutral and impartial during the mediation process.
- (4) If mediation is not successful, the documents that were produced and discussions that took place during the mediation process must not form part of the records of any ongoing review.

Electronic Information Systems

Additional safeguards

- 10** (1) The following are prescribed as additional safeguards that a custodian must implement under Section 65 of the Act for personal health information held in an electronic information system maintained by the custodian:
- (a) protection of network infrastructure, including physical and wireless networks, to ensure secure access;
 - (b) protection of hardware and its supporting operating systems to ensure that the system functions consistently and only those authorized to access the system have access; and
 - (c) protection of the system's software, including the way it authenticates a user's identity before allowing access.
- (2) A custodian must create and maintain written policies to support and enforce the implementation of the safeguards required by subsection (1).
 - (3) A custodian must create and maintain a record of every security breach of the custodian's electronic information system that the custodian determines on a reasonable basis is likely to pose a risk to an individual's personal health information.
 - (4) A record of security breaches must include details of all corrective procedures taken by the custodian to diminish the likelihood of future security breaches.

Record of user activity

- 11** (1) In subsection 63(3) of the Act and in this Section, "record of user activity related to an individual's personal health information" means a report produced at the request of an individual for a list of users who accessed the individual's personal health information on an electronic information system for a time period specified by the individual.
- (2) A record of user activity related to an individual's personal health information must include at least all of the following information:
 - (a) the name of the individual whose personal health information was accessed;
 - (b) a unique identification number for the individual whose personal health information was accessed, including their health-card number or a number assigned by the custodian to uniquely identify the individual;
 - (c) the name of the person who accessed the personal health information;
 - (d) any additional identification of the person who accessed the personal health information, including an electronic information system user identification name or number;

- (e) a description of the personal health information accessed or, if the specific personal health information accessed cannot be determined, all possible personal health information that could have been accessed;
 - (f) the date and time the personal health information was accessed or, if specific dates and times cannot be determined, a range of dates when the information could have been accessed by the person.
- (3) A custodian must retain the information that was used to update a record of user activity related to an individual's personal health information for at least 1 year after each date of access.

Fees for Accessing Personal Health Information Records

Fee exceptions

12 The fees prescribed in these regulations do not apply to any of the following:

- (a) a request made by a solicitor representing a legal aid client;
- (b) a request from an individual for the purposes of appearing before the Review Board under Section 68 of the *Involuntary Psychiatric Treatment Act*;
- (c) a search warrant presented by a police officer under section 487 of the *Criminal Code* (Canada) or a production order presented by a police officer under section 278.7 of the *Criminal Code* (Canada);
- (d) a request by a police officer or probation officer who is entitled to personal health information in accordance with clause 11(a) of the Act under a consent given by the individual whose personal health information is the subject of the request;
- (e) a request from a regulated health-profession body that is permitted to access personal health information under clause 38(1)(c) of the Act and that is using the information for the purposes of regulating the health profession;
- (f) a request from a regulated health professional who is entitled to personal health information in accordance with clause 11(a) of the Act under a consent given by the individual whose personal health information is the subject of the request.

Fees prescribed do not include applicable tax

13 The fees prescribed in these regulations do not include any applicable tax.

General fee for access to record

14 A custodian who makes a record, or part of a record, of personal health information available to an individual or provides a copy of it to an individual may charge a general fee, not to exceed \$30.00 per request, as compensation for all of the following:

- (a) receiving and clarifying the request;
- (b) locating and retrieving the record, including any record held electronically;
- (c) providing an estimate of the access fee to the requester as required by subsection 82(1) of the Act;

- (d) review of the record for no longer than 15 minutes by the custodian or an agent of the custodian to determine whether the record contains personal health information to which access may be refused under subsection 72(1) of the Act;
- (e) severing of the record if access to part of the record is refused under subsection 72(1) of the Act;
- (f) preparing the record for photocopying, printing or electronic transmission for no longer than 30 minutes;
- (g) preparing a response letter to the requester;
- (h) supervising an individual's examination of original records for no longer than 30 minutes;
- (i) the cost of mailing a record by regular mail to an address in Canada.

Specific fees

15 In addition to the general fee provided for in Section 14 and any direct costs provided for in Section 16, a custodian may charge up to the maximum fee set out in the following table for the activity specified:

Activity	Maximum Fee
Making photocopies of a record	\$.20 per page
Preparing a record for photocopying, printing or electronic transmission	\$12.00 for every 30 minutes after the initial 30 minutes covered by the general fee under clause 14(f)
Faxing a record	\$.20 per page
Making a compact disk containing a copy of a record stored in electronic form	\$10.00 per request
Making a microfiche copy of a record stored on microfiche	\$.50 per sheet
Making a paper copy of a record from microfilm or microfiche	\$.50 per page
Making a copy of an audio cassette recording	\$5.00 per cassette
Making and providing a copy of a 1/4", 1/2" or 8 mm video cassette recording that is <ul style="list-style-type: none"> - 1 hour long or less - more than 1 hour long 	\$20.00 \$25.00
Making and providing a copy of a 3/4" video cassette recording that is <ul style="list-style-type: none"> - 1 hour long or less - more than 1 hour long 	\$18.00 \$23.00
Producing a record stored on medical film, including x-ray, CT and MRI films	\$5.00 per film

Printing a photograph from a negative or from a photograph stored in electronic form, - per 4" × 6" print - per 5" × 7" print - per 8" × 10" print - per 11" × 14" print - per 18" × 20" print	\$10.00 \$13.00 \$19.00 \$26.00 \$32.00
Review of the record by a custodian or an agent of the custodian to determine whether the record contains personal health information to which access may be refused under subsection 72(1) of the Act	\$25.00 for every 15 minutes after the first 15 minutes covered by the general fee under clause 14(d)
Supervising an individual's examination of original records	\$6.00 for every 30 minutes after the first 30 minutes covered by the general fee under clause 14(h)

Direct costs

16 In addition to the general fee provided for in Section 14 and the specific fees provided for in Section 15, a custodian may charge for the following direct costs incurred by the custodian, including any applicable tax:

- (a) charges to retrieve a record from and return the record to off-site storage, if an individual requests expedited access to a record for which additional retrieval costs are charged to the custodian;
- (b) courier costs, if courier delivery is requested by the individual;
- (c) the cost of mailing a record to an address outside Canada;
- (d) taxes payable on the services provided.

Visit history

17 (1) In this Section, "visit history" means a record that

- (a) can be produced by a custodian's administrative staff from the custodian's health records; and
 - (b) consists of a computerized printout of an individual's visits.
- (2)** If a custodian has the ability to produce a visit history for an individual, the custodian may provide a copy of the visit history to the individual at the individual's request.
- (3)** A custodian may charge a fee of no more than \$10.00 to produce a visit history and may not charge the general fee provided for in Section 14 or a specific fee provided for in Section 15 to an individual who requests only a visit history.

N.S. Reg. 218/2012

Made: November 21, 2012

Filed: December 5, 2012

Milk Classes and Categories Regulations

Order dated November 21, 2012
 Amendments to regulations made by the Natural Products Marketing Council
 pursuant to clauses 8(d) and 9(r) of the *Dairy Industry Act*

I certify that the Natural Products Marketing Council, pursuant to clauses 8(d) and 9(r) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at its meeting on November 21, 2012, carried a motion to amend the *Milk Classes and Categories Regulations*, N.S. Reg. 3/2006, made by the Council on January 10, 2006, in the manner set out in Schedule “A”, effective on and after January 1, 2013.

Signed at Truro, in the County of Colchester, Nova Scotia on December 3, 2012.

Natural Products Marketing Council

Per: Sgd: *E. A. Crouse*
 Elizabeth A. Crouse
 General Manager

Schedule “A”

**Amendment to the *Milk Classes and Categories Regulations*
 made by the Natural Products Marketing Council
 pursuant to clauses 8(d) and 9(r) of Chapter 24 of the Acts of 2000,
 the *Dairy Industry Act***

- 1 (1) Section 2 of the *Milk Classes and Categories Regulations*, N.S. Reg. 3/2006, made by the Natural Products Marketing Council on January 10, 2006, is amended by striking out the clause letter before each definition.
- (2) Section 2 of the regulations is further amended by striking out “mean” in the definition of “Act” and substituting “means”.
- 2 (†) The table in Section 4 of the regulations is amended by
 - (a) striking out the row beginning “Class 2” and substituting the following row:

Class 2(a)	Milk and any of its components that are processed to produce all types of yogurt, including yogurt beverages, kefir and lassi, but excluding frozen yogurt.
------------	---

- (b) adding the following row immediately under the row beginning “Class 2(a)”:

Class 2(b)	<p>Milk and any of its components that are processed to produce</p> <ul style="list-style-type: none"> (a) all types of ice cream and ice cream mix, whether frozen or not; (b) all other types of frozen dairy product, including frozen yogurt; (c) all types of sour cream; (d) all types of milkshake mix; (e) fudge, pudding, soup mix, caffeinate and Indian sweets.
------------	---

- (c) striking out “cheese and all types of cheese curd other than stirred” in the row beginning “Class 3(a)”, and substituting “and Class 3(c) cheeses”;

- (d) adding the following row immediately under the row beginning “Class 3(b)”:

Class 3(c)	<p>Milk and any of its components that are processed to produce any of the following products:</p> <ul style="list-style-type: none"> (a) mozzarella cheese, including part-skim mozzarella, part-skim pizza mozzarella and pizza mozzarella; (b) asiago cheese; (c) brick cheese; (d) Canadian-style munster (muenster) cheese; (e) colby cheese; (f) farmer cheese; (g) feta cheese; (h) gouda cheese; (i) havarti cheese; (j) jack cheese; (k) monterey jack cheese; (l) parmesan cheese; (m) swiss cheese.
------------	---