



**Nova Scotia Freedom of Information
and Protection of Privacy
Report of Review Officer**

REVIEW REPORT FI-13-19

PRESS RELEASE: FOR IMMEDIATE RELEASE

December 9, 2013

Today, Dulcie McCallum, Nova Scotia's Freedom of Information and Protection of Privacy Review Officer released her most recent Review Report regarding Nova Scotia Public Service Long Term Disability Plan Trust Fund ["NSPS LTD"].

In this case, the Applicant had made constant and repeated Applications for Access to a Record to the NSPS LTD and Requests for Review to the Review Officer between 2004 and 2013. Dulcie McCallum found that there was little or no merit to the constant barrage of requests made by the Applicant, the result of which negatively impacted on the resources of both the public body and the Review Officer.

"It is important for all Nova Scotians to appreciate the duties and obligations imposed on public bodies regarding citizens' right to access information. The duty to assist is clearly laid out in the *Freedom of Information and Protection of Privacy Act* and in the equivalent legislation for municipalities. But there are limits on what can reasonably be expected from a public body in fulfilling that duty," said McCallum.

"By releasing this Review Report FI-13-19 to the public I am attempting to send a clear message to members of the public and to the whole of government, that people who misuse the process by flooding public bodies with requests, often repeated requests for the same information, will not be sanctioned by my office," said McCallum.

The Report found that NSPS LTD had responded openly, accurately, and completely. "We have never shied away from our responsibilities under the legislation. Remaining objective is a vital piece of our decision making process. This Report reinforces our commitment to respect and transparent decision making and as noted in the decision 'goes beyond what is expected'. I admire the staff of NSPS LTD and FOIPOP Review Office in maintaining composure and fairness in the numerous responses to this Applicant," said CEO Charles Bruce, the head of NSPS LTD.

"NSPS LTD is a relatively small office that manages a large caseload. This small team has an important role as the organization entrusted to support public sector workers throughout Nova Scotia who are absent from work due to illness or injury. It is unmanageable and unfair to inundate this small office with access requests which have already received a full and comprehensive decision. In this case the Applicant had been

given access to his/her Record but persevered trying to demand the public body create a Record the Applicant wished existed. The offices responsible for processing access and review requests cannot be expected to allow this misuse of the access regime to go on forever unregulated,” said McCallum.

CEO Charles Bruce said in response to the Review Report, “The decision to issue this report publicly supports due process and has recognized the potential strain repeated Applications and Requests have on resources and amount to a misuse of the access to information process. I applaud Ms. McCallum for her decision and her staff for their commitment to fairness.”

The complete Review Report FI-13-19 is available at www.foipop.ns.ca.

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