



**Office of the Information and Privacy Commissioner for Nova Scotia
Report of the Commissioner (Review Officer)
David Nurse**

REVIEW REPORT 25-05

June 18, 2025

Department of Opportunities and Social Development

Summary:

I have determined that this matter may be dealt with via an abbreviated review report. The legal issues raised by “deemed refusals” have been exhaustively canvassed by my predecessor in Review Reports 23-06 and 23-09, among others.

INTRODUCTION:

[1] On February 18, 2025, the public body received the applicant’s access to information request (access request) under s. 6 of the *Freedom of Information and Protection of Privacy Act* (FOIPOP).

[2] On February 18, 2025, the public body placed the file on hold when it requested clarification from the applicant, which was received on February 20, 2025.

[3] On February 21, 2025, the public body requested the mandatory \$5 application fee from the applicant and the file remained on hold. The applicant paid the fee on Saturday March 1, 2025, which payment was received by the public body on March 3, 2025.

[4] A decision was initially due to the applicant on April 2, 2025.

[5] On April 4, 2025, the public body took a time extension under s. 9(1)(b) of FOIPOP extending the time to respond to May 5, 2025.

[6] On April 29, 2025, the public body requested permission for an additional time extension from the Office of the Information and Privacy Commissioner (OIPC). That additional time extension request was not granted by the OIPC because the public body’s time extension request was received past the statutory deadline to respond to the access request.

[7] On May 8, 2025, the applicant asked the Information and Privacy Commissioner to conduct a review under s. 32 of FOIPOP of the public body’s failure to issue a decision.

[8] The applicant informed the OIPC that they have not received a decision in response to this access request.

[9] The public body confirmed no decision was issued.

[10] Section 7(3) of *FOIPOP* provides that when a public body fails to respond to an access request within the statutory timelines, it is deemed to have refused access to the requested records.

ISSUE:

[11] Did the public body meet its duty to assist the applicant by responding without delay as required by s. 7 of *FOIPOP*?

DISCUSSION:

[12] The public body submitted that the volume of records involved –close to 1400 pages– could not be processed by May 28, 2025.

[13] I am somewhat sympathetic to the public body’s position, as the *FOIPOP* Administrator intended to seek a further time extension from the OIPC but miscalculated the date by which the time extension request had to be made. They sought the time extension one day too late. This is not a case where the public body did not attend to the request. Nevertheless, I have no authority to grant a time extension once a file is in deemed refusal.

FINDING & RECOMMENDATION:

[14] Based on the facts set out above, it is clear that the public body missed its deadline in this case. I find that the public body is in contravention of s. 7 of *FOIPOP* in that it has failed to respond to the applicant’s access request within the legislated time period.

[15] I recommend that, within 45 days of the date of this review report, the public body issue a decision to the applicant in response to their access to information request, along with a copy of the records.

June 18, 2025

David Nurse
Information and Privacy Commissioner for Nova Scotia

OIPC File: 25-00363