



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

**REVIEW REPORT 25-09**

**August 12, 2025**

**Department of Finance and Treasury Board**

**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] The applicant filed an access to information request for copies of records related to Nova Scotia’s wine policy. The public body did not respond to the access to information request by the extended deadline authorized by the Office of the Information and Privacy Commissioner for Nova Scotia (OIPC).

[2] Section 7(3) of *Freedom of Information and Protection of Privacy Act (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:**

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

**DISCUSSION:**

[4] The public body submitted that due to the volume of records and the complexity of the records, the release package could not be finalized for release by the extended due date of November 15, 2024. The public body also argued that recent World Trade Organization (WTO) rulings, and several requests for similar records, complicated its review.

[5] I do not doubt the good faith of the public servants charged with finalizing the package for release, but the lengthy delay in this case is not defensible. The public body acknowledged that

Information Access and Privacy (IAP) Services staff review of the records was completed in November 2024:

A request for subject matter review and approval was sent on November 8, 2024 with response requested by November 12, 2024.

A refund to the applicant of the \$525.00 deposit they paid was initiated by IAP Services on February 20, 2025.

At present, final approval is still pending for the request.

[6] Final approval of the release package has been pending for nine months. While the legal environment may be complex, and provincial policy complicated by WTO rulings, the responsive records have been identified and reviewed, and the head of the public body must make a decision.

[7] The fact that the public body has received several requests on the same subject matter is not a reasonable excuse for delaying the response to a specific access request.

[8] I have no authority to grant a time extension once a file is in deemed refusal and can only recommend the immediate release of the records.

#### **FINDING & RECOMMENDATION:**

[9] 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.

[10] I recommend that, within 14 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.

August 12, 2025

David Nurse  
Information and Privacy Commissioner for Nova Scotia

OIPC File: 25-00429