



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

REVIEW REPORT 26-01

January 02, 2026

Cape Breton Regional Police

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 October 20, 2025, the applicant submitted an access to information request (access request) to Cape Breton Regional Police (the municipality) under s. 466 of *Part XX* of the *Municipal Government Act (MGA)*.

[2] Section 467 of the *MGA* imposes a duty on municipalities to make every reasonable effort to assist the applicant and to respond without delay to the applicant openly, accurately and completely. Section 467(2) of the *MGA* requires that a municipality respond to an access request within 30 days after receiving the access request when the applicant has met the requirements of s. 466(1)(b) and (c) to specify the subject-matter of the record requested with sufficient particulars to enable an individual familiar with the subject-matter to identify the record and to pay any required fee.

[3] A decision was due to the applicant on November 19, 2025. The applicant informed the Office of the Information and Privacy Commissioner for Nova Scotia (OIPC) that they have not received a decision in response to this access request.

[4] Section 467(3) of the *MGA* provides that when a municipality fails to respond to an access request within the statutory timelines, it is deemed to have refused access to the requested records.

ISSUE:

[5] Did the municipality meet its duty to assist the applicant by responding without delay as required by s. 467 of the *MGA*?

DISCUSSION:

[6] The municipality has acknowledged that the proper procedure was not followed and has committed to providing a response to the applicant as soon as possible after January 5, 2026. I accept that this was a good faith error.

[7] 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:

[8] Based on the facts set out above, it is clear that the municipality missed its deadline in this case. I find that the municipality is in contravention of s. 467 of the *MGA* in that it has failed to respond to the applicant's access request within the legislated time period.

[9] I recommend that, within 14 days of the date of this review report, the municipality issue a decision to the applicant in response to their access to information request, along with a copy of the records.

January 2, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia

OIPC File: 25-00599