



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

REVIEW REPORT 26-02

January 5, 2026

Nova Scotia Health

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 6, 2025, the applicant submitted an access to information request (access request) to Nova Scotia Health (the public body) under s. 6 of the *Freedom of Information and Protection of Privacy Act (FOIPOP)*.

[2] Section 7 of *FOIPOP* imposes a duty on public bodies to make every reasonable effort to assist the applicant and to respond without delay to the applicant openly, accurately and completely. Section 7(2) of *FOIPOP* requires that a public body respond to an access request within 30 days after receiving the access request when the applicant has met the requirements of s. 6(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 5, 2025. As of the date of this report, no decision has been issued by the public body.

[4] 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:

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

DISCUSSION:

[6] The public body has committed to providing a response to the applicant as soon as possible after January 6, 2026. I accept that the delay in providing a response was a good faith error, caused in part by staff vacations over the holiday season. Nevertheless, I am obligated to issue a recommendation in these circumstances.

[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 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.

[9] 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.

January 5, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia