

**NOVA SCOTIA FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY ACT**

A REQUEST FOR REVIEW of a decision of **THE OFFICE OF ECONOMIC DEVELOPMENT** with respect to an application for access to information regarding a construction company's activities in a site known as Baltzer's Bog.

REVIEW OFFICER: Darce Fardy

DATE: August 6, 2002

ISSUE: Whether the search for documents responsive to this application has been adequate.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act**, dated May 28, 2002, the Applicant asked that I review the response of the **Office of Economic Development** (OED) to her application for access to documents.

The Applicant had asked for all correspondence between the Nova Scotia Business Development Corporation (NSBDC) and a construction company, including correspondence concerning an industrial park in the Annapolis Valley, and all correspondence between the Business Development Corporation and the Department of Environment and Labour, from June 2001 to November 2001. (The NSBDC is now part of a new agency of government known as Nova Scotia Business Inc. The application was processed by the OED.)

The response from the OED said the application was "granted in full." The Applicant doesn't believe she received all the relevant documents.

This matter is a complex one that has generated similar applications from the same

applicant and others, who represent an environmentally concerned citizens' group known as "ECCKA." This issue revolves around a construction company's activities on a site known as "Baltzer's Bog" in the Kentville area.

In accordance with **Section 38** of the **Act**, I was provided with copies of some 195 pages of documents which the OED said were beyond the scope of the application. I reviewed them carefully, considering the subject matter and time limit of the application, to determine if they were relevant to the application. I questioned six of the documents and the OED gave its reasons why it believed they were outside the scope of the application. However, without conceding their relevancy, the OED agreed to disclose five of these documents, one of them with some severances in accordance with **Section 20(3)(g)** which requires a public body to deny access to personal information containing character evaluations or references.

During the Review I was able to have the Applicant's concerns narrowed to two documents not among the six referred to in the preceding paragraph. I have since learned that this Applicant has made a separate application to the OED for copies of these same documents. Since those applications are more specific than the one which led to this appeal I will let them run their course.

I am told that the OED has now responded to all applications from this Applicant on the Balzer's Bog issue.

Conclusions:

The complexity of this application was not eased by the OED's failure to respond to this application within the time limits dictated by **Sections 7(2)** and **9(1)** of the **Act**. The

application was received November 9, 2001. The decision on the application was sent to the Applicant in a letter dated April 16, 2002.

However, I am satisfied that the OED has met its other obligations under this **Act**.

Recommendations:

That the OED disclose, in addition to what it has already disclosed, the five documents (one with some severing) that I noted during this Review.

Section 40(1) requires the OED to make a decision on this recommendation within thirty days of receiving this report and to notify the Applicant and the Review Officer, in writing, of the decision.

DATED this 6th day of August, 2002 in Halifax, Nova Scotia

Darce Fardy, Review Officer