

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

A REQUEST FOR REVIEW of a decision of the **DEPARTMENT OF COMMUNITY SERVICES** to extend the time for replying to an application for access.

REVIEW OFFICER: Darce Fardy

REPORT DATE: **April 2, 2003**

ISSUE: Whether the decision of the Department is supported by Section 9 of the Act.

In a Request for Review, pursuant to the **Freedom of Information and Protection of Privacy Act**, dated March 18, 2003, the Applicant asked that I review the decision of the Department of Community Services to extend the time for replying to his application by 30 days.

The Applicant, in an application received by the Department on March 7, asked for access to the “responses and interview notes that were taken by a panel from the Nova Scotia Department of Community Services, as a result of a personal interview I attended...”.

The Department in a reply dated March 14, 2003 said that in accordance with **Section 9(1)(b) and (c) of the Act**, it was extending the time for making a decision to May 8 because:

a large number of records is requested or must be searched and meeting the time limits would “unreasonably interfere with the operations of a public body” and “more time is needed to consult with a third party or other public body” before the head of a public

body can decide whether or not to give the applicant access to the records.

The entire section reads:

Extension of time for response

9 (1) The head of a public body may extend the time provided for in Sections 7 or 23 for responding to a request for up to thirty days or, with the Review Officer's permission, for a longer period if

(a) the applicant does not give enough detail to enable the public body to identify a requested record;

(b) a large number of records is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the public body; or

(c) more time is needed to consult with a third party or other public body before the head of the public body can decide whether or not to give the applicant access to a requested record.

(2) Where the time is extended pursuant to subsection (1), the head of the public body shall tell the applicant

(a) the reason;

(b) when a response can be expected; and

(c) that the applicant may complain about the extension to the Review Officer.

Submission of the Applicant:

The Applicant wonders why a large number of records must be searched because he wants only the notes about his interview and his “scores”. In an oral submission to the Review Officer, he said he has reason to suspect that the decision was delayed because the Department wants to refuse him the information. He explained he had made the formal application under the Act because he was told earlier by the Department’s Human Resources division that he could not

have the information. The Applicant said he merely wanted to sit down at the Department and read the records.

Conclusion:

As s.9(1) requires, public bodies, when notifying an Applicant of an extension in the time to respond, should be satisfied they can support that decision during a Review. My inquiry revealed the application does not require that a large number of documents be searched or that more time is needed to consult a third party or public body.

The delay resulted from the recent retirement of the person who administered the Act for the Department and the subsequent receipt of a larger than normal number of applications. I am satisfied that meeting the deadline on this application could “unreasonably interfere with the operations of a public body”.

However, I urge the Department to make every effort to respond to this application before May 7.

Dated at Halifax, Nova Scotia this 2nd day of April, 2003.

Darce Fardy, Review Officer