

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

**A REQUEST FOR REVIEW** of a decision of the **DEPARTMENT OF COMMUNITY SERVICES** with respect to an application for access to certain records.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** **January 17, 2004**

**ISSUE:** The delay in response to the application and the difficulty experienced by the Department of Community Services in providing the numbers on the waiting list for Community Based Option placements.

In a Request for Review under the Nova Scotia **Freedom of Information and Protection of Privacy Act** (FOIPOP), dated May 8, 2003, the Applicant asked for a review of the failure of the Department of Community Services (the Department) to make a decision on an application for access to records within the time limits imposed by the Act. Before the review began, the Department provided the decision and the original request was converted to a request for a review of the decision.

The Applicant asked for records related to “Community Based Option requests received by the Community Support for Adults program.” The application covered eight categories of information.

During mediation by this Office, the scope of the application was reduced to figures from the Department's Central Region (Halifax/Dartmouth) for the fiscal years, 2000 to 2003, in three categories:

1. The number of requests for placement in a Community Based Option for adults received by the Community Supports for Adults program;
2. The number of new Community Based Option placements approved for each fiscal year; and
3. The classification level for applicants approved for a Community-based Option placement.

The Review Office's mediation officer confirmed this in an e-mail to the Applicant.

In response to the first question, the Department provided the Applicant with a copy of a memorandum from the Acting Community Supports for Adults Specialist, which contains an explanation of the process for keeping "Intake" statistics manually. It said "the Halifax Intake information from April 1999 to 2001 was collected by three individual Casework Supervisors and was not consolidated in a manner that allows for accurate retrieval of numbers." Attached to the Memorandum was a chart providing a breakdown of the total number of applicants to the Community Supports for Adults program "when an Intake Form was completed, assignment to a Care Co-ordinator and recording on an Intake log occurred."

In response to question two, the Department provided the Applicant with a copy of a letter from the A/Director Community Supports to Adults to the Department administrator for the FOIPOP Act. According to this letter there has been a provincial moratorium on the creation of new homes since 1996. However, four new homes were created in 2001 in response

to the downsizing and closure of two larger institutions and two more homes were opened in Dartmouth to respond to the needs of six clients.

In response to question three, the Department said that while all clients seeking services through the Community Supports for Adults program are assessed and classified, they are not classified specifically for a Community Based Option placement.

In a written submission to the Review the Applicant said she wanted to determine the size of the gap between demand for services and the provision of services . . . in other words the waiting list for Community Based Options placements.

In a meeting between the parties and the Review Officer it was agreed that while the records provided to the Applicant were helpful, they did not answer the questions posed because the information is not available.

The Department indicated that the information on “intakes” and assessments is not kept in a way that allows the Department to provide the Applicant with the information she is looking for.

The Applicant accepted that question two had been answered.

During the meeting of the parties with the Review Officer, the Department agreed to make another attempt to extract figures related to the application. Subsequently, the Department wrote to the Applicant to confirm the following:

1. The number of “small options” beds created in 2001 in the Halifax Regional Municipality included 4 small options facilities with 12 beds (to replace spaces which ceased to exist with the closure of the Halifax County Regional Rehabilitation Centre) and the two other homes identified in (the) letter of November 12, 2003 (6 beds).

2. Upon closure of the Halifax County Regional Rehabilitation Centre, many of its residents were placed in or near their communities in other parts of the province, in Group Home facilities established as part of our initiative to de-institutionalize those services.
3. At this time there are 83 persons in the Halifax Regional Municipality classified for placement in a facility under the Community Supports for Adults program. Thirty-three of those persons await placement in a small options facility.

**Conclusions:**

While I regard the application as a reasonable one, I am satisfied that the Department has now provided all of the information it can extract at this time. Perhaps the announced advent of upgraded computer systems will allow the Department to improve its records management.

While the Department responded to the Applicant shortly after I began a review of the delay in making a decision, the delay should be addressed in this review.

The Application is dated February 21, 2003 and the application fee was received on March 11. The Applicant did not receive a response from the Department until May 20. The Department failed to notify the applicant of the extension and explain the need for it. **Section 7(2)** requires a public body to respond to an application within 30 days of receiving it. **Section 9(1)** allows a thirty-day extension when certain conditions are met. Only the Review Officer can approve a request for an extension, beyond 60 days. The conditions for delaying a response are found in s.9(1): the applicant hasn't provided enough detail; a large number of records were requested; or more time is needed to consult with a third party or other public body. I

understand some of the delay was caused when the two parties tried to connect. In any case, the Applicant should have been told of the delay, and given the reasons for it pursuant to s.9(2).

On May 6, the Department wrote to me to request approval of a further extension in accordance with **Section 9** of the **Act**, which, given the circumstances, I did not approve.

However, it should be noted that the Department waived fees for searching and locating records responsive to the application.

**Recommendation:**

That the Department work to improve its records management system so that applications of this kind can be dealt with efficiently.

**Section 40** of the Act requires the Department to make a decision on these recommendations within 30 days of receiving them and to notify the Applicant and the Review Officer, in writing, of that decision.

**Dated** at Halifax, Nova Scotia this 17th day of January, 2004.

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Darce Fardy, Review Officer