

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

A **REQUEST FOR REVIEW** of a decision of the **NOVA SCOTIA PUBLIC SERVICE LONG TERM DISABILITY PLAN TRUST FUND** with respect to an application for a client's personal information.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** July 13, 2005

**ISSUE:** Whether the LTD Trust Fund met its obligations under the *FOIPOP* Act.

In a Request for Review, dated June 16, 2005, under the **Freedom of Information and Protection of Privacy Act** (*FOIPOP*), the Applicant asked that I investigate "the recent refusal" of the LTD Plan Trust Fund (LTD) to provide her with the information she requested.

The Applicant asked for all records generated at the LTD office containing personal information about herself since her last request. The Applicant previously examined and received copies of her file. She was also provided with a copy of the "Claims Administrative Guidelines" and was told that her claim is closed.

This Request for Review is similar to an earlier one received from the same Applicant on January 12, 2005. (See my Review *FI-05-08* issued May 27, 2005).

**Conclusions:**

Whether or not the Applicant's claim under the LTD Plan is closed is not a matter for this Review. In this Review I must determine whether the Applicant received all of the records she requested. In response to her earlier application, which resulted in the May 27 Review, the Applicant was told that although she had already been provided with "all file documentation," the LTD Plan was again sending her "a copy of all documentation held at the NSPS LTD Plan."

The Applicant has not accepted the assertion that she has been provided with all relevant records, which explains her second application and second Request for Review. This Office is satisfied that a reasonable search was done.

This Office has investigated both of the Applicant's Requests for Review and has concluded that the Applicant will have to follow other avenues to seek a resolution of her differences with the LTD Plan.

**Recommendations:**

- Until all issues are resolved between the LTD Plan and the Applicant, that every three months the LTD Plan provide the Applicant with copies of any records containing her personal information, not previously released, it may have in its custody and control.

**Section 40** of the Act requires the LTD Plan 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. If a written decision is not received within 30 days, the LTD Plan is deemed to have refused to follow these recommendations.

**Dated** at Halifax, Nova Scotia this 13<sup>th</sup> day of July, 2005.

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Darce Fardy, Review Officer