



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

WRITTEN REPORT ATD25-11

May 12, 2025

**Commissioner's Written Report on an Application to Disregard
Public Prosecution Service**

Summary: Public Prosecution Service (public body) submitted an application under section 6A of the *Freedom of Information and Protection of Privacy Act (FOIPOP)* for approval to disregard two access requests. The access requests were all filed by the same individual as those access requests considered in my previous Written Report for Application to Disregard (ATD) 25-03.

I have decided to approve the application to disregard in part. One of the two access requests may be disregarded.

As the access applicant must abide by my prior decisions in the above-noted Written Report, which restricts the applicant's ability to file new access requests, I have not imposed any additional future remedies at this time.

ISSUE:

[1] Has the public body established that the access requests meet the requirements of section 6A of the *Freedom of Information and Protection of Privacy Act (FOIPOP)*?

ANALYSIS:

[2] In my prior ATD25-03 Written Report, I determined that the public body could disregard a number of access requests because they were unduly repetitive and systematic, and amounted to an abuse of process. The present case deals with additional access requests submitted by the same prolific access applicant.

[3] I have reviewed the submissions of the public body and the submissions of the access applicant. I adopt the same analysis and conclusions as in ATD25-03, that the access applicant has engaged in a pattern of unduly repetitive and systematic access requests. With one exception, the requests that are the subject of this application to disregard continue the same pattern of

repetitive and systematic requests and therefore amount to an abuse of process under section 6A(2)(c)(i) of *FOIPOP*. With the exception of one access request, the access requests may be disregarded by the public body.

[4] As I have addressed this matter under 6A(2)(c)(i), it is not necessary to assess whether they are also trivial, frivolous or vexatious; this choice to provide an abbreviated decision should not be misinterpreted as an approval of the access applicant's ongoing conduct.

[5] The unapproved access request is novel and should be processed by the public body. This request seeks a copy of any applications to disregard, including the submissions made by the public body, submitted to the Office of the Information and Privacy Commissioner (OIPC). Because this is a new legal process under *FOIPOP*, this request is unlike any access request submitted by the individual in the past, and it is reasonable to conclude the individual has a genuine interest in obtaining the records and it is not repetitive or systematic in nature

[6] Please inform the applicant of my decision in accordance with s. 6E of *FOIPOP*. Please share a copy of this written decision with the applicant.

May 12, 2025

David Nurse
Information and Privacy Commissioner for Nova Scotia

OIPC file: 25-00313