



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

WRITTEN REPORT ATD25-15

May 13, 2025

**Commissioner's Written Report on an Application to Disregard
Department of Opportunities and Social Development**

Summary: The Department of Opportunities and Social Development (the public body) submitted two applications under section 6A the *Freedom of Information and Protection of Privacy Act (FOIPOP)*, one on April 17, 2025 and one on April 29, 2025, for approval to disregard various access requests. I will address both applications to disregard in this Written Report. The access requests in question were all filed by the same individual as those access requests considered in my previous Written Report for Application to Disregard (ATD) 25-07.

I have decided to approve the application to disregard received on April 29, 2025 (access request #2) and to not approve the application to disregard received on April 17, 2025 (access request #1).

As the access applicant must abide by my prior decision 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 ATD25-07 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 cases deal with additional access requests submitted by the same prolific access applicant as in the above-noted Written Report.

[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 ATD25-07, that the access applicant

has engaged in a pattern of unduly repetitive and systematic access requests. Access request #2 continues the same pattern of repetitive and systematic requests and amounts to an abuse of process under section 6A(2)(c)(i) of *FOIPOP*. Access request #2 may be disregarded by the public body.

[4] However, access request #1 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 that the individual has a genuine interest in obtaining the records and it is not repetitive or systematic in nature.

[5] As I have addressed this matter under 6A(2)(c)(i), it is not necessary to assess whether the access requests in question 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.

[6] If the applicant has a genuine interest in the number of applications to disregard submitted to the OIPC, the applicant may wish to use a future opportunity to submit an access request to Information Access and Privacy Services (IAP Services) for this information. The applicant retains the right to submit access requests, *subject to limitations approved by the OIPC in prior decisions*.

[7] For the access request that has been approved to be disregarded, 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. We will be posting a copy to our website, but there will be a delay.

May 13, 2025

David Nurse
Information and Privacy Commissioner for Nova Scotia