



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

WRITTEN REPORT ATD26-01

February 23, 2026

**Commissioner's Written Report on an Application to Disregard
Cape Breton Regional Municipality**

Summary:

The Cape Breton Regional Municipality (the public body) asked the Commissioner to approve its decision to disregard an access request received under *Part XX* of the *Municipal Government Act (MGA)*. The public body's application to disregard (application) was made under section 466A(2) of the *MGA*. The public body submitted that the request was frivolous, trivial and vexatious. The public body also argued that the request would unreasonably interfere with the operations of the public body.

INTRODUCTION:

[1] The access request applicant (applicant) made a request for a significant volume of records related to a statement by the mayor of the public body regarding Access-A-Bus funding.

ISSUE:

[2] Has the public body established that the applicant's access request meets the requirements of sections 466A(2) of the *MGA*?

ANALYSIS:

[3] Section 466A of the *MGA* reads:

466A (1) Subject to clause 467(1)(a), the responsible officer to which one or more requests under subsection 466(1) are made may disregard the requests if the applicant does not provide sufficient particulars in accordance with subsection 466(1).

(2) The responsible officer may apply to the review officer for approval to disregard one or more requests for access if the responsible officer is of the opinion that

- (a) the requests are trivial, frivolous or vexatious;
- (b) the requests are for information already provided to the applicant;
- (c) the requests amount to an abuse of the right to make a request because they are
 - (i) unduly repetitive or systematic,
 - (ii) excessively broad or incomprehensible, or
 - (iii) otherwise not made in good faith; or
- (d) responding to the requests would unreasonably interfere with the operations of the municipality and the requests are repetitious or systematic in nature.

[4] An application to disregard is a serious matter as it could have the effect of removing an applicant’s express right to seek access to information in a particular case, to have their personal information corrected, or to have a privacy complaint investigated. Other jurisdictions in Canada have noted that the authority to disregard an access request is an “extraordinary remedy” that should only be granted after careful consideration and only in exceptional cases.¹

[5] For a detailed analysis of the criteria the OIPC applies in these cases, public bodies and applicants should look to our guide on applications to disregard.. To ensure we provided concise and timely decisions on applications to disregard, we do not repeat a detailed summary of the law in each decision. The Guide can be found on our website [here](#) under “General.”

¹ BC IPC Order P25-02 [at 16].

Request not trivial, frivolous or vexatious

[6] Based on the information before me, the public body has not established that the application is trivial, frivolous or vexatious. The applicant appears to have a genuine and sincere interest in the subject of Access-A-Bus funding. There is no indication that the application is made in bad faith, or to frustrate or harass public body staff. I would say that the application as written is extremely broad and would likely result in a significantly delayed decision and/or a significant fee estimate. The applicant should be reasonable and engage in discussion with the public body on focusing the request, providing sufficient particulars to identify the requested record per s. 466 of the MGA and significantly reducing its scope.

Request not repetitious or systematic

[7] The public body argued that processing the request would unreasonably interfere with the operations of the municipality and the application should be disregarded as per s. 466A(2)(d). However, relief under this section is only available if it is established that the requests are “repetitious and systematic” in nature. There is no series of requests under review here; only one request is under review and the public body has not provided any evidence to suggest that the application overlaps with prior requests. To the extent the application does overlap with prior or ongoing requests, the applicant should acknowledge this and agree to a narrowing of the request. The public body is not obligated to process the same records twice, and the applicant must accept this.

CONCLUSION:

[8] I am denying the public body’s request to disregard the access request. The public body must process the access request in accordance with s. 466D of the *MGA*.

[9] The applicant has demonstrated a willingness to work with the public body in good faith going forward, and they should have that opportunity.

[10] The OIPC will share a copy of this written decision with the applicant. The OIPC will also post a copy to its website on March 10, 2026.

February 23, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia

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