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

WRITTEN REPORT ATD26-02

May 14, 2026

Commissioner's Written Report on an Application to Disregard

Conseil scolaire acadien provincial

Summary:
The Conseil scolaire acadien provincial (the public body) asked the Commissioner to approve its decision to disregard an access request received under s. 6 of the *Freedom of Information and Protection of Privacy Act* (*FOIPOP*). The public body's application to disregard was made under sections 6A(2)(b), 6A(2)(c)(ii) and 6A2(d) of *FOIPOP* which authorizes the Commissioner to approve a decision to disregard if the head of the public body's opinion is that "the requests are for information already provided to the applicant," "the requests amount to an abuse of the right to make a request because they are excessively broad or incomprehensible," and "responding to the requests would unreasonably interfere with the operations of the public body and the requests are repetitious or systematic in nature."

I have decided to deny this application. The access request is not for information already provided to the applicant, not excessively broad, and not repetitious or systematic.

INTRODUCTION:

[1] The access applicant is a parent of children who attend schools administered by the public body. The applicant made two requests to the public body over the past year. The first request was received on September 16, 2025, and covered records up to and including that date. After receiving the response to their original request, the applicant requested records created after September 16, 2025.

[2] The public body raised concerns that the second request was repetitious because it covered the same records as the original request. The public body also raised concerns about the applicant's conduct. Specifically, the public body noted that the applicant was unwilling to engage in discussions about narrowing the scope of their requests and did not treat public body staff respectfully.

[3] Concerns were also raised by the public body that the applicant was requesting applicant-generated correspondence – i.e. letters and e-mails sent by the applicant to the public body, and the public body's responses.

ISSUE:

[4] Has the public body established that the applicant's access request meets the requirements of sections 6A(2)(b), 6A(2)(c)(ii) or 6A2(d) of the *Freedom of Information and Protection of Privacy Act* (*FOIPOP*)?

ANALYSIS:

[5] I have decided to deny this application to disregard.

[6] As I have noted in prior cases, 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]

Request not for information already provided to the applicant

[7] While the applicant has filed two requests related to the same subject matter, I am not satisfied that the second request is for information already provided to the applicant. The second request identified records related to specific incidents and meetings that occurred after the date of the first request, September 16, 2025.

Request not excessively broad

[8] The second request was somewhat more focused than the original request, and identified records related to specific incidents and meetings that occurred after September 16, 2025; this should allow the public body to conduct a more limited search and identify any responsive records.

Request not repetitious or systematic

[9] The public body has not established that the request in question is repetitious or systematic. To be repetitious, the request must overlap in some significant way with a previous request or series of requests. While the second request covers the same subject matter as the first, it does not overlap in time – it only requests records after September 16, 2025. Given that there have been only two requests, and they do not overlap in time, I cannot find they are repetitious.

[10] To be considered systematic, the OIPC *Guide to Application to Disregard* states that a series of applications must be "made according to a method or plan of acting that is organized and carried out according to a set of rules or principles. It includes a pattern of conduct that is regular or deliberate." While the applicant has filed two requests related to the same subject matter, I am not satisfied that it has reached a point where it could be characterized as a "regular or deliberate" pattern of conduct.

[1] BC IPC Order P25-02 [at 16].

[11] Given my determination that the request is not repetitious or systematic, I am not required to consider if responding to the requests would unreasonably interfere with the operations of the public body.

Guidance to public body and applicant

[12] Before concluding, I would offer the following guidance to the public body and the applicant.

No duty to provide copies of applicant-generated correspondence

[13] The public body raised concerns that many of the responsive records were generated by the applicant. The public body is not required to provide an applicant with copies of records they sent to or received from the public body as it is the applicant's responsibility to maintain their own copies of correspondence to/from the public body (see Nova Scotia Review Report FI-13-19, page 5).

No duty to process records already provided

[14] If there is any overlap between the records requested in the first and second requests, then there is no duty to process the same records twice. The Nova Scotia Supreme Court ruled that there is no right in access to information legislation to make repeat requests for the same records (see Stewart v. Nova Scotia (Community Services) #2, 2024 NSSC 182, para 11 and Pottie v. Nova Scotia (Community Services), 2024 NSSC 181, para 16).

The applicant's obligations

[15] The public body's duty to assist an applicant is well known and has been the subject of numerous review reports. But I think it is important to remember that the applicant also has responsibilities. It is the responsibility of the applicant to provide sufficient particulars to allow the public body to identify the records (see s. 6 of *FOIPOP*).

The right of public body employees to a safe workplace

[16] The employees of the public body also have the right to work in an environment that is free from bullying, harassment, and intimidation. While the applicant's conduct has not reached the point where their requests could be characterized as vexatious, I would note that the applicant's broader conduct can be considered when evaluating an application to disregard. The OIPC *Guide to Application to Disregard* states:

> Communications from applicants unrelated to requests may provide evidence of harassment, abuse or other ulterior motive. As an example, in Ontario Order MO-2488, one of the multitude of reasons for finding that a request was made for a purpose other than to obtain access and was therefore frivolous included that the applicant sent more than 300 emails to the public body in a six-month period and telephoned staff almost daily.

[17] In closing, I caution the applicant that FOIPOP is not intended as a tool of "information warfare," and encourage the applicant to be reasonable and to exercise common sense in exercising their access rights.

CONCLUSION:

[18] I am denying the public body's request. The applicant's access request is not for information already provided to the applicant, not excessively broad, and not repetitious or systematic. The public body must process the access request in accordance with s. 6D of *FOIPOP*.

[19] The OIPC will share a copy of this written decision with the applicant. The OIPC will also post a copy to its website, accessible through the "Reports and Court Decisions" page, under "Publicly Issued Reports," in due course.

May 14, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia