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

WRITTEN REPORT ATD26-03

May 28, 2026

Commissioner's Written Report on an Application to Disregard

Nova Scotia Provincial Housing Agency

Summary: The Commissioner approves the Nova Scotia Provincial Housing Agency's (the "public body's") application to disregard 6 access requests received under the *Freedom of Information and Protection of Privacy Act* (*FOIPOP*). The access requests are vexatious, amount to an abuse of process due to their systematic nature and would unreasonably interfere with the operations of the public body.

I impose the following conditions on the applicant's access requests to the public body:

1. The applicant will be prohibited from making any additional access requests to the public body for a period of 12 months following the date of this decision;

2. The applicant will be permitted to make one access request per month during the 13-24 months following this decision.

INTRODUCTION:

[1] The applicant has filed 21 access requests with the public body since October of 2025. Several of the requests relate to the applicant's personnel files. However, the bulk of the requests target records related to the public body's operations, including, for example:

- all records regarding human rights complaints and settlements;
- all internal memos sent by certain staff;
- all records related to staff training; and
- all records related to a specific incident at a property operated by the public body.

[2] The volume of requests has now accelerated significantly between the months of March and May 2026.

[3] On May 14, 2026, the public body filed an application to disregard 6 requests recently submitted by the applicant. The content of the information requested follows the pattern noted above.

[4] The public body has asked for approval to disregard the 6 requests on three grounds pursuant to s. 6A of *FOIPOP*:

1. that the requests are trivial, frivolous or vexatious;

2. that the requests are an abuse of process as they are unduly repetitious and systematic, and

3. that responding to the requests would unreasonably interfere with the operations of the public body and the requests are repetitious or systematic in nature.

ISSUE:

[5] Has the public body established that the applicant's requests meet the requirements of sections 6A(2)(a), 6A(2)(c)(i) and 6A(2)(d) of *FOIPOP* and may be disregarded?

ANALYSIS:

The legal basis for the public body's application

[6] As noted above, the public body raised three grounds to support their submission that the access requests should be disregarded. Section 6A(2)(a), 6A(2)(c)(i) and 6A(2)(d) read as follows:

> (2) The head of a public body may apply to the Review Officer for approval to disregard one or more requests for access if the head is of the opinion that
>
> (a) the requests are trivial, frivolous or vexatious;
>
> …
>
> (c) the requests amount to an abuse of the right to make a request because they are
>
> (i) unduly repetitive or systematic,
>
> …
>
> (d) responding to the requests would unreasonably interfere with the operations of the public body and the requests are repetitious or systematic in nature.

[7] As I have stated in prior decisions[1], 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. It is an "extraordinary remedy" that should only be granted after careful consideration and only in exceptional cases.[2]

---

[1] *WR 25-17, Halifax (Regional Municipality) (Re)*, 2025 NSOIPC 28 (CanLII), at para 5. See also WR 26-01, Cape Breton Regional Municipality (Re), 2026 NSOIPC 4 (CanLII), at para 4.
[2] *BC IPC Order P25-02, Victory Square Law Office (Re)*, 2025 BCIPC 16 (CanLII), at para 16.

Requests are vexatious

[8] In Nova Scotia Written Report 25-17[3], I cited the definition of vexatious from the Saskatchewan Information and Privacy Commissioner in Saskatchewan (Parks, Culture and Sport)(Re), 2021 CanLII 3099 (SK IPC), at paragraph 53, and I adopt this definition:

> *Vexatious* means without reasonable or probable cause or excuse (SK OIPC Review Report F-2010-002 at paragraphs [57], [60] and [61]). A request is *vexatious* when the primary purpose of the request is not to gain access to information but to continually or repeatedly harass a public body in order to obstruct or grind a public body to a standstill. It is usually taken to mean with intent to annoy, harass, embarrass, or cause discomfort…

[9] While I am limited in what I can disclose, it is my opinion that the applicant's 6 access requests are vexatious. The public body has provided me with evidence to support that the applicant is misusing the *FOIPOP* process to distract and cause discomfort to the public body's staff as part of an ongoing dispute with the public body.

[10] In several e-mails, the applicant revealed their animosity toward the public body's staff, and their intent to create operational challenges for the public body's staff. The applicant wrote in an e-mail to IAP Services that the public body's staff were "good at making things up" and that the message should be sent to the public body "word for word." The applicant also stated they would put their access requests on hold if staff would negotiate with them, presumably about their dispute with the public body:

> "Pass a message along to housing that I am willing to put all foipops on hold if they'd like to sit at a table to discuss… Until then- ill continue to file. I know all the pressure points. And there's lots more to be filed."

[11] The applicant submitted that their requests were legitimate efforts to obtain their own information for various legal proceedings, and to advocate on behalf of other public body staff who are working in an oppressive system. I do not doubt that the applicant has a genuinely held belief that they have been wronged by the public body. The applicant's claims may ultimately be tested in court or in a human rights proceeding; each of those processes have their own discovery and disclosure rules, separate and apart from our access to information regime. The fact that the applicant may bring a claim or claims against the public body in the future does not justify their misuse of the access to information system today. As Commissioner Flaherty said in Order No. 110-1996, [1996] B.C.I.P.C.D. No. 36, the right of access under the Act must not be abused as a weapon of "information warfare."

[12] While getting information may be one of the applicant's motivations, I believe that the applicant's primary motivations are to harass and distract the public body's staff, and to disrupt the operations of the public body. In my view, the applicant's misuse of the system is precisely the type of "information warfare" section 6A of *FOIPOP* is intended to stop.

---

[3] *WR 25-17, Halifax (Regional Municipality) (Re)*, 2025 NSOIPC 28 (CanLII).

Requests are systematic

[13] The terms "unduly repetitive", "repetitious" and "systematic" are discussed at length in numerous review reports including WR25-06[4]. For the purposes of this written decision, I will focus on the concept of systematic requests. While the public body raised valid issues regarding overlap between the applicant's various requests, the deciding issue is the systematic nature of the requests.

[14] As I stated in WR25-06:

> [19] …"Systematic" involves a pattern of conduct that is regular or deliberate. The number of requests of a similar scope over a period of time or a repeated request for substantially the same information may indicate a repetitive or systematic course of action. Access legislation was not intended to allow an applicant to resubmit the same or similar access requests to a public body simply because of dissatisfaction with a response.
>
> …
>
> [21] Systematic requests are requests made according to a method or plan of acting that is organized and carried out according to a set of rules or principles. Characteristics of systematic requests are
>
> • a pattern of requesting more records, based on what the respondent sees in records already received
>
> • combing over records deliberately in order to identify further issues
>
> • revisiting earlier freedom of information requests
>
> • systematically raising issues with the public body about their responses to freedom of information requests, and then often taking those issues to review by the Office of the Information and Privacy Commissioner (OIPC)
>
> • behavior suggesting that a respondent has no intention of stopping the flow of requests and questions, all of which relate to essentially the same records, communications, people and events, and
>
> • an increase in frequency of requests over time

[15] Based on the criteria set above, I find that the applicant's 6 requests are systematic. The applicant's requests are increasing in frequency, and their behaviour indicates that they have no intention of stopping the flow of requests and questions. In the applicant's own words, "…there's lots more to be filed." The applicant has also repeatedly showed their unwillingness to clarify their requests or engage in good faith discussions with the public body's IAP Administrator. Their behaviour suggests a deliberate plan to escalate the filing of broadly worded access requests to distract public body staff and disrupt public body operations.

---

[4] *WR 25-06, Nova Scotia (Department of Justice) (Re)*, 2025 NSOIPC 16 (CanLII).

Requests are an abuse of the right of access
[16] Per my analysis above, I am satisfied that the requests are systematic, and "amount to an abuse of the right to make a request" which meets the criteria of s. 6A(2)(c)(i) of *FOIPOP*.

Requests would unreasonably interfere with the operations of the public body
[17] The applicant's requests are systematic in nature and responding to the requests would unreasonably interfere with the operations of the public body, meeting the criteria of s. 6A(2)(d). The public body's representations indicate that the applicant's requests make up more than 50% of the public body's total requests since October of 2025. The requests are also extremely broad; broad requests without any willingness to clarify the scope impose a greater burden on the public body's staff. To the extent the requests overlap and repeat themselves, they require time-consuming comparisons with past access requests to see if the applicant has already received the requested records.

[18] I am satisfied that the applicant's requests would unreasonably interfere with the public body's operations and hinder its ability to carry out other tasks and responsibilities, including responding to freedom of information requests from other applicants.

Future remedy
[19] My authority to craft a future remedy is discussed at length in WR25-06. In the present case, I believe a "cooling off" period is required. While I empathize with the applicant, it is evident that they have abused their right of access. If the applicant has a legitimate claim against the public body, that should be addressed in the proper forum, such as a court or a human rights proceeding.

[20] From the date of this decision, the applicant will be prohibited from making any additional access requests to the public body for a period of 12 months. Following this 12-month period, the applicant will be permitted to make one access request per month during the period of 13-24 months following this decision.

[21] In closing, this is an important reminder that the right to access information is not absolute. The recent provisions added to the legislation recognize that certain individuals may use *FOIPOP* in a way that is contrary to its principles and purpose. As noted by the British Columbia Information and Privacy Commissioner in Order 110-1996: "…The Act must not become a weapon for disgruntled individuals to use against a public body for reasons that have nothing to do with the Act…" By using access to information in a way that purposely creates operational pressures on the public body, it does not hold the public body "accountable", it instead impacts access rights of other Nova Scotians.

CONCLUSION:

[22] I approve the public body's request to disregard 6 access requests. The access requests are vexatious and systematic in nature. As a result of their systematic nature, the requests are an abuse of process and responding to them would unreasonably interfere with the operations of the public body.

[23] I impose the following conditions on the applicant's access requests to the public body:

1. The applicant will be prohibited from making any additional access requests to the public body for a period of 12 months following the date of this decision;

2. The applicant will be permitted to make one access request per month during the 13-24 months following this decision.

[24] Please inform the applicant of my decision in accordance with s. 6E of *FOIPOP*. 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 28, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia