



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

WRITTEN REPORT ATD26-05

August 25, 2026

**Commissioner's Written Report on an Application to Disregard
Nova Scotia Health**

Summary:

Nova Scotia Health (the “public body”) submitted an application to disregard one access request received under the *Freedom of Information and Protection of Privacy Act (FOIPOP)*. The application to disregard was made under sections 6A(2)(b), 6A(2)(c) and 6A(2)(d) of *FOIPOP*.

The Commissioner approves the application to disregard on the basis that the request amounts to an abuse of the right to make a request as it is unduly repetitive.

The applicant made a series of access requests to the public body related to a specific employment competition. The requests included a broad request for all records related to the competition, including all records relating to the screening and assessment of candidates. On January 23, 2026, the public body provided a decision on this request and disclosed records to the applicant.

Following new information provided to the applicant by the Office of the Ombudsman, the applicant believed that responsive records were not included in the public body's January 23, 2026 decision in response to their previous request. On July 27, 2026, they made a subsequent request for records from the same time period and regarding the same subject matter with new explanatory notes listing the records they were seeking. For example, they asked for records on how specific candidates were screened as “fully qualified.” This subsequent request is the subject of this application to disregard.

While the applicant provided different explanatory notes in the subsequent request, it covered the same subject matter and time-period as the previous broad request regarding the employment competition. The subsequent request is unduly repetitive. The applicant's concern that records may exist which were not disclosed is a matter which can be raised in a review by the Office of the Information and Privacy Commissioner for Nova Scotia (OIPC) or the Supreme Court of Nova Scotia.

No specific limits will be placed on the applicant's exercise of their access rights at this time, but I remind the applicant to avoid sliding into using our access to information system for "information warfare."

BACKGROUND:

[1] The applicant has made a series of twelve access requests regarding an employment competition conducted by the public body. The access requests covered a number of subject areas, including the screening and assessment of candidates, any internal reviews of the competition, and requests for accommodations by candidates. For the purpose of this decision, it is not necessary or appropriate to disclose details of the specific employment competition in question, and I simply refer to it as "the employment competition." Where necessary, I have edited excerpts below to remove reference to the specific competition.

[2] The public body has applied to disregard the applicant's latest request; the application to disregard was made under sections 6A(2)(b), 6A(2)(c) and 6A(2)(d) of *FOIPOP*, which are set out in the paragraph below.

ISSUE:

[3] Has the public body established that the applicant's request meets the requirements of sections 6A(2)(b), 6A(2)(c) and 6A(2)(d) of *FOIPOP* because the public body is of the opinion that:

- (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,
 - (iii) otherwise not made in good faith; or
- (d) responding to the requests would unreasonably interfere with the operations of the public body and the requests are repetitious or systematic in nature.

ANALYSIS:

Has the public body established that the applicant's request meets the requirements of sections 6A(2)(b), 6A(2)(c) or 6A(2)(d) of *FOIPOP*?

[4] I have reviewed the public body's Application form, written submissions and any supporting documents provided. I have reviewed and considered the written submissions provided by the access applicant. I carefully reviewed the specific language of the access requests made by the applicant and am approving this application to disregard.

[5] I have decided to approve this application to disregard as the applicant's access request amounts to an abuse of the right to make a request because it is unduly repetitive. As I have decided this matter on the basis of section 6A(2)(c)(i), I have not considered the application of 6A(2)(b) or 6A(2)(d).

Section 6A(2)(c)(i) - unduly repetitive or systematic

Factors to be considered

[6] The following are some of the factors that should be considered in assessing whether requests are unduly repetitive or systematic:

- Are the requests repetitious (does the applicant ask more than once for the same records or information or for the same information to be corrected)
- Are the requests similar in nature or do they stand alone as being different
- Do previous requests overlap to some extent
- Are the requests close in their filing time
- Does the applicant continue to engage in a determined effort to request the same information (an important factor in finding whether requests are systematic, is to determine whether they are repetitious)
- Is there a pattern of conduct on the part of the applicant in making the repeated requests that is regular or deliberate
- Does the applicant methodically request records or information in many areas of interest over extended time periods, rather than focusing on accessing specific records or information of identified events or matters
- Has the applicant requested records or information of various aspects of the same issue
- Has the applicant made a number of requests related to matters referred to in records already received
- Does the applicant follow up on responses received by making further requests
- Does the applicant question the content of records received by making further access requests
- Does the applicant question whether records or information exist when told they do not
- Can the requests be seen as a continuum of previous requests rather than in isolation.¹

¹ NB IPC Interpretation Bulletin, Section 15 – Permission to disregard access request.

Application to this case

[7] As noted above, the applicant has now made twelve access requests related to this employment competition. In one of their earlier requests, the applicant cast a wide net for all records related to the competition; the request sought:

...all records between April 1, 2025 and November 30, 2025 that relate to the screening, assessment, scoring, recommendation, discussion or decision-making process for the competition.

The applicant then listed three specific types of records they were seeking: HR screening, Panel Evaluation Records, and Internal Records, and provided detailed explanatory notes on each category of records. The explanatory notes did not narrow the broad scope of the request but identified areas of particular interest to the applicant. For the purposes of this decision, I will refer to this earlier request as Request A.

[8] On January 23, 2026, the public body made a decision on Request A and provided a decision letter, and responsive records, to the applicant.

[9] Following new information provided to the applicant by the Office of the Ombudsman, the applicant believed there were responsive records that the public body failed to include in the decision on Request A. The applicant then filed a subsequent request on July 27, 2026 asking for:

all records created or received between September 25, 2025 and October 23, 2025 related to the assessment and selection of candidates for interview for [the competition].

The applicant then listed specific types of records they were seeking, such as records that would disclose how decisions were made on who was “fully qualified” for the position, and who was involved in these assessments. Importantly, these details explained what the applicant was seeking but did not limit the general broad scope of the request. This subsequent request, Request B, is the subject of this application to disregard.

[10] It is evident on a plain reading of the two requests that both requests cover the same subject matter. Request A included all records related to “assessment, scoring, recommendation”; this broad wording includes the precise records the applicant lists in Request B: “records related to the assessment and selection of candidates for interview.” Providing different explanatory notes does not change the broad subject matter of the two requests, which clearly seek the same records. The time period listed in Request B is fully within the time period of Request A. Request B duplicates Request A and is unduly repetitive.

[11] If the applicant has evidence that the public body’s response to Request A was incomplete, the correct remedy is a review by this office or by the Supreme Court of Nova Scotia. The OIPC has the power to consider a late request for review, so that option remains open.

CONCLUSION:

[12] I approve the application to disregard one access request; the request is unduly repetitive and amounts to an abuse of the right of access. I have not imposed any limits on the applicant's right to make an access request at this time. However, I would caution the applicant that twelve requests on essentially the same issue is substantial, and they should avoid sliding into a campaign of "information warfare." I have touched on the issue of "information warfare" in various decisions²; essentially, this is the abuse of the access to information system primarily to punish or target public servants or disrupt their work.

[13] If an applicant is dissatisfied with the public body's decisions on access requests, they have appeal options. The legislation does not support repeated requests for substantially the same information³, or on various aspects of the same issue.

[14] Please inform the applicant of my decision in accordance with s. 6E of *FOIPOP*.

David Nurse
Information and Privacy Commissioner for Nova Scotia

OIPC file: 26-00379

² WR 25-04, Office of the Premier (Re), [2025 NSOIPC 14 \(CanLII\)](#), at para 22. See also WR 26-03, Nova Scotia (Provincial Housing Agency) (Re), [2026 NSOIPC 7 \(CanLII\)](#), at para 12.

³ Stewart v. Nova Scotia (Community Services) #2, [2024 NSSC 182 \(CanLII\)](#), at para 11.