



**NOVA SCOTIA FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY REVIEW OFFICE**

**September 10, 2007**

**PROCEDURE REGARDING “REQUESTS FOR TIME  
EXTENSIONS” UNDER THE *FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY ACT* and *PART XX OF THE  
MUNICIPAL GOVERNMENT ACT*”**

**A. OBJECTIVES OF THE TIME EXTENSION PROCEDURE:**

- to ensure the Review Officer is not placed in a conflict of interest if the Applicant complains to the Review Officer about a time extension;
- to ensure the head of the public body or responsible officer of a municipality determines as early as possible, the necessity and full duration of a time extension;
- to achieve greater transparency regarding the frequency and reasons for which a public body extends the time period for response;
- to streamline the Review Office’s administrative procedures in addressing time extension matters;
- to ensure the Review Office’s process is clear, fair and appropriate;
- to implement a process that can be administered in a consistent, equitable and objective manner; and
- to implement policies and procedures consistent with the *Freedom of Information and Protection of Privacy Act [FOIPOP Act]* and *Part XX of the Municipal Government Act [MGA]*, referred to herein as “the Acts.”

**B. PROCEDURE FOR OBTAINING PERMISSION FOR EXTENSIONS OF  
TIME BEYOND 30 DAYS:**

1. The *Acts* allow the head of a public body or responsible officer of a municipality to extend the time to respond to an access to information request for any period beyond 30 days with the Review Officer’s permission;
2. Each request by a public body or responsible officer for permission for a time extension beyond 30 days will be dealt with by the Review Officer exercising her discretion in considering each request for permission on its own merits in a fair, consistent and appropriate manner in accordance with the *Acts*;
3. The Review Office encourages all heads of public bodies and responsible officers of municipalities to continue to make every effort to determine if a time extension is required early in the processing of the application for access to information;
4. The Review Office is committed to processing requests for permission within 1-2 business days. It is expected that the public body or responsible officer will continue to process the application during that time;

5. Requests by email will be accepted and preferred given the time sensitivity and the good working relationships with FOIPOP Administrators. Administrators are asked to ensure the Review Office has their email contact information;
6. The following format is suggested for any request for permission to extend letter [email] sent to the Review Officer by a public body:
  - a. Be no more than 1-2 pages;
  - b. Clearly state the number of days that the public body or responsible officer has decided is necessary to process the access to information request;
  - c. The justification for the request for an extension pursuant to s. 9(1) of the *FOIPOP Act* and s. 469 of *Part XX* of the *MGA*;
  - d. A brief explanation of the facts and circumstances that support the reason under s. 9(1) of the *FOIPOP Act* or s. 469 of the *MGA*.
7. The extension requests will be dealt with on an honour system and the information presented by the Administrator of the public body or municipality will be accepted at face value. *No investigation* will take place at this stage. The permission request is between the public body and the Review Officer;
8. The Review Officer or her delegate will identify and weigh all relevant factors and determine whether to grant or withhold permission for a period up to the number of days requested. The Review Officer will inform the public body or municipality in writing [email preferred] whether or not permission has been granted. The Review Officer's response letter to the public body or municipality will not be copied to the Applicant;
9. The head of the public body or the municipal officer who has extended the response time will give notice to the Applicant in accordance with the *Acts*;
10. In correspondence to an Applicant, where deemed appropriate, the public body will provide contact information for the Review Officer; including the local and toll free phone number, TDD/TTY and the fax number;
11. If an Applicant does complain about the public body or municipality taking an extension of time, the Review Officer *will investigate* the complaint and make a finding as to whether the time extension of the public body or municipality was appropriate based on the statutory reasons that allow for an extension. The Review Officer's finding that the time extension taken by the public was appropriate or not will be conveyed to the public body and the Applicant in writing, with reasons;
12. If no complaint is received regarding the time extension, the permission granted for a time extension to a public body or municipality by the Review Officer or her delegate stands and the head of the public body or municipal officer is expected to provide access on or before the date indicated;
13. If the complaint is received after permission has been granted, the investigation will address the decision of the head of the public body or the municipal officer to extend. If the Review Officer finds the complaint not founded, she will dismiss the complaint and confirm the previously granted permission;
14. After an investigation into a complaint at any stage where the complaint is well-founded, the Review Officer may make findings and recommendations that will be made public.