

NOVA SCOTIA COURT OF APPEAL

**Citation: Shannex Health Care Management Inc. v.
Nova Scotia (Department of Health), 2005 NSCA 52**

Date: 20050330

Docket: CA 228257

Registry: Halifax

Between:

Shannex Health Care Management Inc.

Appellant

v.

Attorney General of Nova Scotia representing the
Nova Scotia Department of Health

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: March 15, 2005

Subject: **Freedom of Information request**

Summary: Shannex, the operator of several provincially licensed nursing homes, objected to the Department of Health's proposal to release financial information relevant to the calculation of the allowable per diem rate charged by various nursing homes to their provincially subsidized residents. A Supreme Court judge upheld the Department's decision to release the information. The statutory basis of Shannex's objection was s.21(1)(c)(i) of the **Freedom of Information and Protection of Privacy Act** ("**FOIPOP Act**"), S.N.S. 1993, c. 5, s. 1.

Issues: Did the Supreme Court judge err in concluding that Shannex had

not established that disclosure of the information could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of the third party and/or result in undue financial loss or gain to any person or organization?

Result: Appeal dismissed with costs. The Court was not persuaded that the judge applied the wrong test in his application of s. 21(1)(c)(i) of the **FOIPOP Act** to the issues before him nor that he made a palpable or overriding error of fact.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 4 pages.