



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

REVIEW REPORT 26-09

September 23, 2026

Halifax Regional Police (the “public body”)

Summary:

As the law regarding a public body’s duty to sever is well-settled, and this case is not factually complex, I have prepared an abbreviated review report. I find the public body did not conduct a line-by-line review and analysis of the record and that the public body was not required to withhold the entire record from disclosure under s. 480. I recommend that the public body conduct a line-by-line review and analysis of the record, redact information that meets the requirements of section 480 of the *Municipal Government Act*, and release the remainder of the record to the applicant.

INTRODUCTION:

[1] The applicant filed an access request for a copy of a general occurrence report created by the public body. A general occurrence report is often referred to as a police report, or an investigation report, and includes a mixture of preselected information, narrative free text, and can also include facts, statements, and testimonies of people involved in an incident including police officers, witnesses and victims.

[2] The public body responded to the applicant with a decision to withhold the responsive record in full pursuant to s. 480 the *Municipal Government Act* (“MGA”). Section 480 of the *MGA* provides that a public body “shall refuse to disclose personal information... if the disclosure would be an unreasonable invasion of a third party’s personal privacy.” The applicant asked the Information and Privacy Commissioner to conduct a review of the public body’s decision under s. 487 of the *MGA*.

ISSUE:

[3] Was the public body required to refuse access to information under s. 480 of the *MGA* because disclosure of the information would be an unreasonable invasion of a third party’s personal privacy?

DISCUSSION:

[4] There is no doubt that much of the information contained in the record is personal information which would meet the test set out in s. 480 of the *MGA*. However, the public body has not processed the records as required by the *MGA*. As discussed in a number of recent decisions of this office, subsection 465(2) of the *MGA* (and the equivalent s. 5(2) of the *Freedom of Information and Protection of Privacy Act*) imposes a duty on public bodies to remove information that is exempt from disclosure and release the remainder of the information to the applicant; this is referred to as the “duty to sever”; s. 465(2) reads:

The right of access to a record does not extend to information exempted from disclosure pursuant to this Part **but, if that information can reasonably be severed from the record, an applicant has the right of access to the remainder of the record.** (emphasis added.)

[5] Both Commissioner Tricia Ralph and Commissioner Catherine Tully provided crystal clear direction to public bodies on this issue in the past. In Review Report 20-06, Commissioner Ralph provided the following summary, beginning at paragraph 12:

[12] ...It is essential to an effective, meaningful and robust access to information law that municipalities fully appreciate the requirement to selectively sever records. The law does not create whole document carve outs. Rather, the law makes clear that municipalities are only permitted to withhold information exempted from disclosure. Everything else must be disclosed.

[13] The Supreme Court of Canada has stated that access to information legislation creates a presumption in favour of disclosure. How that works in practice in Nova Scotia is reflected in part in s. 465(2) of the *MGA*: 465(2) The right of access to a record does not extend to information exempted from disclosure pursuant to this Part but, if that information can reasonably be severed from the record, an applicant has the right of access to the remainder of the record.

[14] That provision makes clear that municipalities must only exempt information as authorized pursuant to the *MGA* and further, where the information can reasonably be severed, municipalities are obliged to release the remainder of the record to the applicant. This means that any remaining information that is both intelligible and responsive to the request after the exempted information has been removed should be released.

[15] The CBRM is expected to do a line-by-line review of the entire record.

[6] In Review Report 17-03, Commissioner Tully added an important caveat, that the information remaining after the severing of exempt information must be intelligible and responsive to the request. She also added a reminder that the public body should not abuse these criteria to justify not severing at all; in para 30, she wrote:

Reasonable severing means that after the excepted information is removed from a record, the remaining information is both intelligible and responsive to the request. While it is important to be pragmatic in the approach to what is reasonable, it is also essential that any interpretation of this standard not undermine *FOIPOP*'s stated purpose of providing for the disclosure of all government information, facilitating informed public participation in policy formulation, ensuring fairness in government decision making and permitting the airing and reconciliation of divergent views.

[7] The reasoning from both these cases applies directly to this case. The public body failed to meet its duty to sever and must do a line-by-line analysis of the records, and determine what is, and what is not, exempt information. It is my finding that the remainder of the record would be intelligible and responsive to the request.

The general occurrence report

[8] The OIPC investigator in this case determined that the personal information in the record could reasonably be severed, and the remaining information would be intelligible and responsive to the request. I agree. The investigator identified specific excerpts and specific pages that could be reasonably severed, for example pages 9, 10, 12, 13, 14, 15, 19, 20, 34-48. These pages contain some personally identifying information (names, addresses, and descriptors) that, if severed, would allow the public body to release the remaining content without resulting in an unreasonable invasion of a third party's personal privacy.

[9] It is also important to remember that there are also different types of personal information. For example, a general occurrence report may include personal information of alleged victims and witnesses and the personal information (such as names) of police officers who are employees of the public body. These types of personal information are clearly different and have to be assessed individually to determine if disclosure would be an unreasonable invasion of privacy. For example, section s. 480(4)(e) of the *MGA* provides that a disclosure is presumed not to be an unreasonable invasion of a third party's personal privacy if "the information is about the third party's position, functions or remuneration as an officer, employee or member of a municipality." This is just another example of how a nuanced line-by-line analysis would result in a better, more defensible decision.

The application of section 475 of the *MGA* – law enforcement exemption

[10] The public body raised two additional issues during the review that need to be addressed. First, the public body indicated in their submission that the report contains "confidential investigative information" suggesting that s. 475 of the *MGA* may also apply to exempt the records from disclosure. This section is a discretionary, harms-based exemption which provides that information may be withheld if the responsible officer reasonably believes that the disclosure may harm law enforcement or may harm the effectiveness of investigative techniques, among other criteria. Although the idea of s. 475 was suggested, it was not in the manner required to be considered as a late exemption.

[11] While this section may apply in this case or it may apply in other cases involving general occurrence reports; the problem is that the public body refused to do a line-by-line analysis and identify the specific information that may meet s. 475 or s. 480. There has to be a reasonable

basis for the responsible officer to believe that the disclosure of specific information will meet the requirements of s. 475. The responsible officer cannot simply decide that a general occurrence report is not the type of record they want to disclose and end the analysis there.

[12] I would like to point to a recent review report (Review Report [339-2025](#)) from the Saskatchewan OIPC where the public body applied similar exemptions. In that review report, the applicant requested a record from the Regina Police Service for a copy of a dispatch report. The public body released, in part, two pages of information to the applicant pursuant to s. 28(1) (personal information) and s. 14(1)(j) (facilitate the commission of an offence or tend to impede the detection of an offence) of Saskatchewan's *Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)*.

[13] In her analysis the Commissioner determined that the information withheld under s. 28(1) was personal in nature and determined that the public body was correct. Although the record did not include names, there was enough information available in the record that, when viewed collectively, could reasonably identify an individual. The Commissioner found that the public body properly withheld portions of the record under s. 28(1) of *LA FOIP*.

[14] As with s. 475 of the *MGA*, Saskatchewan's section 14(1)(j) is a discretionary, harms-based exemption. In determining whether the public body properly applied s. 14(1)(j) of *LA FOIP*, the Commissioner applied the following test. Only one of the below questions needs to be affirmed for the test to apply:

1. Could the release of the record facilitate the commission of an offence?
2. Could release of the record tend to impede the detection of an offence?

[15] In their submission the public body gave reasoning as to why releasing the information withheld under s. 14(1)(j) applied. The Commissioner accepted the public body's reasoning and found that the exemption was properly applied. The Commissioner determined that the public body correctly applied the exemptions and recommended that they continue to withhold the information from the applicant.

[16] The analysis done by the Saskatchewan OIPC was only possible because the public body properly conducted a review of the record and applied the appropriate severing. The Saskatchewan OIPC was able to consider the application of the exemptions claimed to the specific information severed. It is not enough, as has been done in this present case, to simply say that s. 480 of the *MGA* applies to the record in-full and do no severing at all; a line-by-line analysis must be completed so the proper exemptions can be applied in accordance with the legislation.

Applicant not a party to the specific incident

[17] The public body also raised concerns that the applicant was not a party to the specific incident, such as a victim or witness, and therefore any access to the record would be presumed to be an unreasonable invasion of a third party's personal privacy. This is incorrect. The fact that they are not a party does not prevent them from requesting the records. The law provides a right

of access to all records, subject to specific exemptions; the right is not limited only to those records that an applicant can claim a personal connection to.

FINDING & RECOMMENDATION:

[18] I find that the public body did not conduct a line-by-line review and analysis of the record and that the public body was not required to withhold the entire record from disclosure under s. 480. I recommend that, within 45 days of the date of this review report, the public body conduct a line-by-line review and analysis of the record, severing only the information that meets the criteria of s. 480 of the *MGA*, and release the remainder of the records to the applicant.

[19] For greater certainty, the new decision by the public body would be subject to a review by this office, if the applicant filed a review on the proper form. If the public body proceeds in the manner required by law and conducts proper severing, a subsequent review would be able to consider the merits of the claims of any s. 480 exemptions. By failing to process the records correctly, the public body has, to this point, denied the applicant (and the OIPC) the opportunity to test whether the public body's claim of s. 480 exemptions is valid or not.

September 23, 2026

David Nurse
Information and Privacy Commissioner for Nova Scotia