

**THE NOVA SCOTIA FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT**

A REQUEST FOR REVIEW of a decision of the **DEPARTMENT OF COMMUNITY SERVICES** to refuse to disclose the names of individuals who made complaints about a family to the Children's Services Division.

REVIEW OFFICER: Darce Fardy

REPORT DATE: May 29, 2002

ISSUE: Whether a family has the right, under the **Act**, to be told the names of those who made complaints against the family to Children's Services.

In a Request for Review dated April 15, 2002, two Applicants asked that I review a decision of the Department of Community Services (Department) to deny them access to the names and addresses of people who complained about them.

The Applicants and their families have been the object of a number of complaints to Children's Services over a seven year period. Investigations by Department case workers found the complaints could not be substantiated. The Applicants, suspicious that the complaints were malicious, want to know the names of those who complained and where they live.

In a letter to the Applicants, the Department said the application was being denied in accordance with exemptions under **section 20(1)** and **subsection 20(2)(f)**. Section 20(1) requires the Department to refuse to disclose personal information if disclosure would be an unreasonable invasion of an individual's personal privacy. Subsection 20(2) provides a list of relevant

circumstances which a public body must consider when deciding if the disclosure of personal information would constitute an unreasonable invasion of personal privacy. It includes “whether the personal information has been supplied in confidence” [ss.20(2)(f)].

The Applicants were also told that **section 23** of the *Children and Family Services Act* obliges any person who has information indicating that a child was being abused or neglected to report that information to the proper authorities. The Department said:

We realize that persons whose motives are not honourable can hide behind anonymity and create mischief. We have no information which would lead us to believe that the reports were made falsely or maliciously. Even though the allegations made against your families were not substantiated, we have no information that would lead us to believe that the reports were made maliciously. The reports seem to have been made out of genuine concern for your children.

Conclusions:

I agree with the Department that disclosing the names and addresses of those who filed the complaints would be an unreasonable invasion of their privacy. Subsections 20(3) and 20(4) list the kinds of personal information which if disclosed would constitute an unreasonable or reasonable invasion of privacy. This matter applies to neither of these sub-sections. In such cases the public body must turn to subsection 20(2), which provides relevant circumstances to be considered. The Department considered the fact that the information was provided in confidence by those who filed the complaints. Assurances of confidentiality are essential in encouraging people to report suspected child abuse. Having found no evidence of maliciousness, the Department made the right decision in denying access to names and addresses. Malicious intent could warrant a different decision.

The frustration of the Applicants in not knowing the names of the individuals

making unsubstantiated complaints about them is understandable. As might be expected, they suspect certain individuals who may or may not have filed the complaints. It is my view that providing the Applicants with the various sources of the complaints, without providing names or other personal information, would be helpful. I believe this can be done without revealing any information that could reasonably be expected to lead to the identification of any individual.

Recommendation:

- that the Department disclose to the Applicants the sources of the complaints without disclosing names or other identifying personal information.

DATED at Halifax, Nova Scotia May 29, 2002

Darce Fardy, Review Officer