

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

A REQUEST FOR REVIEW of a decision of the **DEPARTMENT OF JUSTICE** with respect to an application for an individual's own personal information.

REVIEW OFFICER: Darce Fardy

DATE: July 23, 2002

ISSUE: Whether exemptions under sections 16, 18 and 20(1) support the decision of the Department of Justice to deny access to some documents containing the Applicant's personal information.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act**, dated June 28, 2002, the Applicant asked that I review the decision of the Department of Justice (the Department) to deny him access to parts of documents containing his personal information.

The Applicant had asked for access to all documents in his "personal information file" created since his last application for similar information. In its reply the Department provided the Applicant with most of the relevant documents in their entirety, but denied access to some and severed others because

“ . . . disclosure would: reveal information subject to solicitor-client privilege; be a danger to an individual or public safety; or be an unreasonable invasion of third parties' personal privacy.”

The Department cited exemptions under **sections 16, 18 and 20(1)**.

Section 16 allows a public body to deny information subject to solicitor-client privilege.

Section 18 allows a public body to refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to threaten anyone else's safety or mental or physical health or interfere with public safety. Section 20(1) requires a public body to refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

The Department, in a representation to the Review, said that most of the documents severed (some 40 pages) relate to material prepared or compiled for giving or receiving legal advice (s.16), or identify civil servants providing information related to security measures [ss. 18 and 20(1)]. Fifteen pages were denied in their entirety under the same exemptions.

Conclusions:

I have reviewed the severed and denied documents.

The documents denied under s.16 contain advice from a government solicitor to government officials and are appropriately withheld.

I am satisfied that revealing the names and identities of public servants, in this case, would amount to an unreasonable invasion of their privacy. Section 20(2) provides factors for a public body to consider when determining whether disclosure of personal information would be a reasonable or unreasonable invasion of personal privacy. In this case I agree with the Department that disclosing names and identities of some of the individuals would expose them

to harm [see s. 20(2)(e)].

With respect to s.18 I am satisfied that disclosing names would expose these people to the risk of harassing letters and/or telephone calls.

Recommendation:

That the Department write to the Applicant confirming its original decision.

DATED this 23rd day of July, 2002 in Halifax, Nova Scotia

Darce Fardy, Review Officer