

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

**A REQUEST FOR REVIEW** of a decision of the Human Rights Commission to deny an applicant a copy of a report containing the statements of a third party to the Commission.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** **January 17<sup>th</sup>, 2003**

**ISSUE:** Whether the Applicant is entitled to a copy of a document containing someone else's opinion of him.

In a Request for Review, under the **Freedom of Information and Protection of Privacy Act**, received October 24, 2002, the Applicant asked that I review the decision of the **Human Rights Commission (HRC)** to deny him access to a statement made by a third party.

The Applicant asked for copies of all statements given to a Human Rights Officer by two named individuals along with an invoice of another individual for "reviewing the files". After notifying the affected third parties, the HRC granted the Applicant a copy of one report containing the personal information of a third party who gave his consent. HRC denied the other report which contained the personal information of a third party who refused his consent. It cited, to support its decision, **Section 20(2)** of the **Act**. The invoice was released in full to the Applicant.

The record in dispute is a three-page report from a Human Rights Officer containing the substance of the evidence provided by a third party, dated June 27, 2001. In accordance with **Section 38** of the **Act** I have been provided with a copy of the report for my review.

In a submission to the Review, the Applicant said it was his opinion that the author of the withheld statement misled the Human Rights Officer.

In its submission, the HRC cited **Section 20(3)(b) and (d)** as well as Section 20(2)(f) and said that it believed the third party's objections were valid. The third party said he had provided the statement at the request of the HR Officer and that the statement included personal information about himself. He said he provided information to the officer for the sole purpose of responding to his questions relative to the *Human Rights Act*.

**Conclusions:**

Section 20(3) lists kinds of personal information which, if disclosed, would be presumed to constitute an unreasonable invasion of the personal privacy of a third party. Clause (b) refers to personal information of a third party compiled and identified as part of an investigation into a possible violation of the law. Clause (d) refers to personal information related to the employment or education history of a third party.

I am satisfied that the three-page report contains the personal information of the third party including his employment history. I agree with the HRC that the personal information of the third party in the report was compiled as part of an investigation into a possible violation of the

law. This personal information cannot be disclosed to the Applicant without the consent of the third party.

However, the report also contains the personal information of the Applicant. Personal information is defined in Section 3(1)(i)(ix) as an individual's "personal views or opinions, except if they are about someone else". The report contains the third party's opinions of the Applicant. These opinions are not the personal information of the third party but the personal information of the Applicant.

**Section 5(2)** expects a public body to sever exempt information in the document and disclose the remainder if severing can be reasonably achieved. In my view the severing can be reasonably done.

**Recommendations:**

That HRC disclose those parts of the report I have highlighted and attached to the HRC's copy of this Review.

**Section 40** requires a public body to make a decision on this recommendation within 30 days of receiving this Report and to notify the Applicant and the Review Officer in writing of this decision.

**Dated** this 17<sup>th</sup> day of January, 2003 at Halifax, Nova Scotia.

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Darce Fardy, Review Officer

