

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

A **REQUEST FOR REVIEW** of a decision of the **DEPARTMENT OF JUSTICE** to sever records before providing them to an applicant.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** **July 12, 2004**

**ISSUE:** Do the exemptions cited by the Department of Justice: personal privacy; solicitor-client privilege; advice to a minister; and personal safety support the decision to sever records.

In a Request for Review under the **Freedom of Information and Protection of Privacy Act** (FOIPOP), dated April 7, 2004, the Applicant asked that I recommend to the Department of Justice (the Department) that it provide him with the information it severed.

The Applicant asked for copies of all records containing his personal information in the Department's files. He was provided with some records in their entirety and others were severed or denied in their entirety.

In its letter of decision the Department cited three exemptions under the **Act**: Sections **16**, **18**, and **20**. The Department did not cite **Section 14(1)** on its letter of decision to the Applicant but did so on the records it provided for this Review.

Section 16 allows a public body to refuse to disclose records protected by solicitor-client privilege;

Section 18 covers circumstances where anyone's safety may be at risk;

Section 20 requires a public body to refuse to disclose personal information if disclosure would constitute an unreasonable invasion of personal privacy; and

Section 14 allows a public body to refuse to disclose advice to a minister.

In accordance with Section **38(1)(a)** of the Act I have been provided with copies of all the relevant records.

**Conclusions:**

Having read all the records, I am satisfied that the exemptions cited support the decision of the Department to sever the records.

To approve Section 18, the Review Officer must be satisfied that disclosure of the information severed could reasonably be expected to threaten anyone's safety or mental health. In this case I reached the same conclusion I did in my Review FI-02-71. In my view it would not be appropriate to expand on my reasons for accepting this exemption.

With respect to Section 20(1), while the Department did not cite a specific subsection of 20(2), in my view s.20(2)(e) applies. This subsection contains a circumstance to consider when determining if the disclosure of personal information would be an unreasonable invasion of privacy. In this case I agree with the Department that disclosing names could reasonably be expected to expose these individuals to harm.

**Recommendations:**

That the Department confirm in writing to the Applicant that the severing will not be removed.

**Section 40** of the Act requires the Department to make a decision on these recommendations within 30 days of receiving them and to notify the Applicant and the Review Officer, in writing, of that decision.

**Dated** at Halifax, Nova Scotia this 12th day of July, 2004.

Darce Fardy, Review Officer