

**THE NOVA SCOTIA FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT
(MUNICIPAL)**

A REQUEST FOR REVIEW of a decision of the Halifax Regional Police with respect to the charging of fees for access to a record.

REVIEW OFFICER: Darce Fardy

REPORT DATE: December 16, 2004

ISSUE: Whether the Halifax Regional Police can charge fees for records containing the personal information of the Applicant.

In a Request for Review under Part XX of the **Municipal Government Act** (the MGA) the Applicant asked that I recommend to the Halifax Regional Police (HRP) that it provide the record he wants without an application fee because it contains his own personal information.

The Applicant had applied for several records related to a police investigation of an incident in which he was involved. The only record at issue is an “Incident Report” which the HRP has agreed to process when the Applicant pays the application fee of \$25.00. The Applicant contends that the incident report contains his own personal information and that, in accordance with **Section 471(4)** of the MGA it must provide him with a copy without an application fee.

Section 471 addresses the matter of application and processing fees:

471(1) An applicant who makes a request pursuant to this Part shall pay to the municipality the prescribed application fee.

- (4) No fee shall be charged for a request for an applicant's own personal information.

To determine whether or not the information in the incident report is the applicant's own personal information, one must look at the definition of "personal information" found in **Section 461(f)**: "personal information means recorded information about an identifiable individual."

The Incident Report is a narrative about an incident which centers on the applicant. He is identified in the report and the information is clearly about him.

Conclusions:

The Act does not allow the HRP to charge an application fee for the disclosure of this report to the applicant. The HRP should disclose the report to the Applicant to satisfy the purpose of the Act found in **Section 462(a)(ii)**: "giving individuals a right of access to, and a right to correction of, personal information about themselves."

In disclosing the Report to the Applicant the HRP must delete the names of those who gave witness statements to the investigating officer.

Recommendations:

That the HRP disclose to the Applicant a copy of the incident report, without an application fee, after severing the names of the those who provided witness statements.

Section 493 of the Act requires the responsible officer 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. If a written decision is not received within 30 days, the Halifax Regional Police is deemed to have refused to follow these recommendations.

Dated at Halifax, Nova Scotia this 16th day of December, 2004.

Darce Fardy, Review Officer