

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

A **REQUEST FOR REVIEW** of a decision of the Department of Justice to deny or sever records related to the Applicant's personal information.

**REVIEW OFFICER:** Darce Fardy

**REPORT DATE:** February 4, 2005

**ISSUE:** Whether exemptions under sections 14, 16, 18 and 20 support the decision of the Department.

In a Request for Review, pursuant to the Nova Scotia **Freedom of Information and Protection of Privacy Act (FOIPOP)**, the Applicant asked that I recommend to the Department of Justice (the Department) that it reverse its decision to deny access in part or in whole to records related to the application.

The Applicant asked for copies of all records (since January 2004), containing his personal information. The Department told the Applicant that it had decided to provide some records in whole while others were being denied in whole or in part. The Department cited three exemptions under the Act:

- s.16** Solicitor Client Privilege;
- s.18** Threat to safety or physical health; and
- s.20** Protection of personal information.

Subsequently the Department attached s.14 to some of the records. This exemption allows a public body to deny access to “advice” or “recommendations” provided to or by a public body.

**Conclusions:**

Forty-five records are at issue in this review. Having reviewed the records, I agree with the Department’s decision to deny and sever records containing “advice” to a public body [s.14(1)], and to withhold information protected under solicitor-client privilege [s.16].

The names severed from the records under s.20, are those of public servants whose names are usually not denied. The public bodies have accepted my view that under normal circumstances, public servants cannot claim that disclosing their names would constitute an unreasonable invasion of their privacy. However, in this case, I am satisfied that disclosing the names would, in fact, be an unreasonable invasion of their privacy in accordance with s.18. Section 18 allows a public body to refuse to disclose information if the disclosure “could reasonably be expected to threaten anyone else's safety or mental or physical health.”

**Recommendations:**

That the Department confirm in writing to the Applicant that their decision to deny and sever documents stands.

**Dated** at Halifax, Nova Scotia this 18th day of April, 2008.

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Darce Fardy, Review Officer