

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

A **REQUEST FOR REVIEW** of a decision of **NOVA SCOTIA ENVIRONMENT AND LABOUR** to sever personal information from a record provided to the applicant.

REVIEW OFFICER: Darce Fardy

REPORT DATE: **August 8, 2005**

ISSUE: Whether disclosing the name of a person who lodged a complaint against a camping ground operator would constitute an unreasonable invasion of the complainant's personal privacy.

In a Request for Review, dated May 2, 2005, under the **Freedom of Information and Protection of Privacy Act (FOIPOP)**, the Applicant asked that I recommend to Nova Scotia Environment and Labour (DEL) that it give him the name of the person who lodged a complaint about his camp ground's sewerage system.

The Applicant had asked for copies of all environmental records related to the complaints. DEL provided him with copies of the records, after removing the name of the complainant.

In its response to the Applicant the Department said that disclosing the name of the Applicant would be an unreasonable invasion of that person's personal privacy in accordance with

Section 20(1) of *FOIPOP*. It gave no reasons why it concluded disclosure would be an unreasonable invasion of privacy.

Submission of the Applicant:

The Applicant made no formal submission and did not address the “privacy invasion” issue. But he told this Office that the changes to the camp ground which may be required would cost him thousands of dollars and, because of that, he should know if the complainant is a competitor or a seasonal camper on his camp ground.

Conclusion:

Section 20 is a mandatory exemption. It is divided into six parts. The relevant ones in this case are subsections (1) and (2) because, in my view, neither subsection (4) or (3) apply. Ss.(2) contains a list of examples of circumstances to be considered in determining under s.20(1) whether the disclosure of personal information constitutes an unreasonable invasion of a third party’s personal privacy. (For more on the process for interpreting s.20 see *Cyril House and 144900 Canada Inc.* (2000) S.H. No. 16055 and my Review FI-04-12).

The relevant listed circumstance here is: “the personal information has been supplied in confidence”. [Ss.(2)(f)].

The only personal information involved in this matter is the name of the complainant.

It is government practice not to disclose the names of those who, in a responsible fashion, bring forward complaints, especially when public health is a concern, as it is in this case. Disclosing the name could discourage others from coming forward with legitimate complaints.

It is evident from the records that this complaint has foundation and that the public interest is served when such complaints are filed. I accept that the DEL decision is supported by s.20(1) and ss.(2) of FOIPOP.

Recommendations:

- that DEL write to the Applicant, with a copy to the Review Officer, confirming its decision to refuse to disclose the name of the complainant.
- that DEL, in the future, heed the instruction of the Supreme Court of Nova Scotia, and “detail for the applicant the reasons why the particular exemption is operative... mere recital of the words of the relevant section is not enough.”

[*McCormack v. Nova Scotia* (1993) N.S.J. 625 para. 4]

Dated at Halifax, Nova Scotia this 8th day of August, 2005

Darce Fardy, Review Officer