OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2023-021

May 4, 2023

City of Mount Pearl

Summary: The City of Mount Pearl received a request under the *Access to Information and Protection of Privacy Act, 2015* for a workplace investigation report. The City withheld the report in its entirety. The Commissioner reviewed the report and concluded, following recent court decisions, that although section 33 (information from a workplace investigation) mandated disclosure of the report, any disclosure is nevertheless subject to the restrictions on disclosure in section 40 (disclosure harmful to personal privacy). In this case the Commissioner was satisfied that a line-by-line review showed that disclosure of virtually all of the information in the report would be an unreasonable invasion of privacy, and recommended that the City continue to withhold the entire report.

Statutes Cited: *Access to Information and Protection of Privacy Act, 2015*, SNL 2015, c. A-1.2, sections 2, 33, 40.

Authorities Relied On: NL OIPC Reports P-2020-001; A-2020-013; A-2021-028; A-2023-005;
Oleynik v. Memorial University of Newfoundland and Labrador, 2021 NLSC 51;
College of the North Atlantic (Re), 2021 NLSC 120;
Lewisporte (Town) v. Newfoundland and Labrador (Information and Privacy Commissioner), 2022 NLSC 130.

File # 0025-114-23-023

BACKGROUND

[1] The City of Mount Pearl ("the City") received an access to information request under the *Access to Information and Protection of Privacy Act, 2015* ("*ATIPPA, 2015*" or "the *Act*") for a copy of the detailed report of the results of a workplace Investigation into the former Chief Administrative Officer ("CAO"). Some background to this request is necessary.

[2] This matter has a long and complex history. In October 2019 the City of Mount Pearl retained an investigator to conduct an investigation into workplace complaints alleging disrespectful and inappropriate behavior by the then CAO. The CAO was placed on administrative leave in October 2019, and resigned his position in 2020 after the City Council tabled a motion for his dismissal.

[3] In Report P-2020-001 (released July 31, 2020), our Office found that the privacy of the workplace complainants had been breached when the City disclosed their complaint letters to the CAO outside the context of an access to information request. We recommended that the City acknowledge the breach and suggested an apology.

[4] During the course of the workplace investigation (which ran from October 2019 to November 2022) the CAO made access requests for copies of the complaints, the investigator's interview notes, and other information. In Report A-2020-013 (released August 25, 2020) our Office concluded that although the investigation had not yet been completed, the CAO was entitled, under the provisions of section 33 of the *Act* (information from a workplace investigation), to all relevant information created or gathered for the purpose of a workplace investigation. Our Office recommended that the City obtain the records, including the investigator's notes, and provide them to the CAO. It is our understanding that those records were provided to him in May 2021.

[5] The investigator's final report was issued to the City on November 1, 2022. The City subsequently provided a summary of the investigator's findings, but not a copy of the report itself, to the workplace complainants and the respondent.

[6] On November 28, 2022, the present access to information Complainant (who was one of the original workplace complainants in 2019) made an access request for a complete copy of the investigator's report. The City refused the request, withholding the entire report on the basis of section 40 (disclosure harmful to personal privacy).

[7] The Complainant filed a complaint with our Office. As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of *ATIPPA, 2015*.

PUBLIC BODY'S POSITION

[8] The City submits that previously it would have disclosed the entire report to the Complainant, as he was a party to the investigation, under the provisions of section 33 of the *Act*. However, the City submits that it is now required to comply with recent Supreme Court of Newfoundland and Labrador jurisprudence in the *College of the North Atlantic (Re)* (September 24, 2021) and *Lewisporte (Town) v. Newfoundland and Labrador (Information and Privacy Commissioner)* (August 17, 2022) cases.

[9] The City submits that these new rulings have changed the way public bodies consider and interpret the relationship between section 33 and section 40, and it has therefore attempted to redact personal information of the respondent, other complainants, and witnesses under section 40.

[10] The City states that it attempted to apply section 40(5) and various relevant circumstances, in order to determine whether disclosures of personal information constituted unreasonable invasions of privacy.

[11] The City submits that there are two separate complaints by two different complainants, and that the information provided in relation to one complaint is not relevant to the other complaint, within the meaning of section 33. Therefore, information relating to the other workplace complainant must be withheld.

[12] The City states that it attempted to protect the personal information of witnesses, but concluded that even though names could be withheld there is generally enough information or context around the issues described by or about witnesses that the individuals could easily be identified by someone with a very basic knowledge of the City's employees.

[13] The City concluded that when it took into account inferences that could be drawn by knowledgeable persons that could identify individuals whose personal information, including employment history and opinions, is contained in the report, section 40 required it to withhold the entire report.

COMPLAINANT'S POSITION

[14] The Complainant submits that as he is one of the workplace complainants and, therefore, a party to the workplace investigation that resulted in the report, he is legislatively entitled to receive a copy of the report.

[15] The Complainant argues that while some personal information of other individuals could be withheld under section 40, it is not reasonable for the entire report to be withheld on that basis.

[16] The Complainant submits that the report is about the behaviour of some employees during work hours in the workplace, or at work related functions and that there is no reasonable expectation of privacy for them in these circumstances.

[17] The Complainant submits that it is possible that he may be required to respond in a court of law but has no way of knowing whether the complaints were determined to have merit by an independent investigator.

[18] The Complainant argues that while privacy of some individuals may need to be protected, there is no way that disclosing to him the details he provided about his own personal involvement would be a breach of his own privacy.

[19] The Complainant argues that many people who spoke to the investigator will feel more threatened and violated should the report not be released, since many of the allegations involved perceived cover-ups to protect people in power, and while substantial redaction or full withholding of information might protect privacy, it would do harm by feeding suspicion, warranted or not.

ISSUES

[20] The issues to be dealt with in this Report are:

1. Whether section 33 of *ATIPPA, 2015* applies to the requested records so as to override section 40;
2. If not, whether section 40 applies to the requested records so as to require withholding of essentially all of the information in it.

DECISION

Section 33 (information from a workplace investigation)

[21] Section 33 of *ATIPPA, 2015* reads as follows:

> *33. (1) For the purpose of this section*
>
> *(a) "harassment" means comments or conduct which are abusive, offensive, demeaning or vexatious that are known, or ought reasonably to be known, to be unwelcome and which may be intended or unintended;*
>
> *(b) "party" means a complainant, respondent or a witness who provided a statement to an investigator conducting a workplace investigation; and*
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> *(c) "workplace investigation" means an investigation related to*
>
> *(i) the conduct of an employee in the workplace,*
>
> *(ii) harassment, or*
>
> *(iii) events related to the interaction of an employee in the public body's workplace with another employee or a member of the public which may give rise to progressive discipline or corrective action by the public body employer.*
>
> *(2) The head of a public body shall refuse to disclose to an applicant all relevant information created or gathered for the purpose of a workplace investigation.*

> *(3) The head of a public body shall disclose to an applicant who is a party to a workplace investigation the information referred to in subsection (2).*
>
> *(4) Notwithstanding subsection (3), where a party referred to in that subsection is a witness in a workplace investigation, the head of a public body shall disclose only the information referred to in subsection (2) which relates to the witness' statements provided in the course of the investigation.*

[22] This provision was first incorporated into *ATIPPA* in 2012, and amended in 2014 when the present *ATIPPA, 2015* was passed. Until recently, it has been generally understood that the purpose and function of this provision was to make "all relevant information created or gathered for the purpose of a workplace investigation" confidential, and not to be disclosed (in response to an access request) except to the specific individuals who are parties to the investigation. It provides that a complainant or a respondent to a workplace investigation is entitled to all of the relevant information, but that disclosure to a witness is limited to the information related to their own statement.

[23] That interpretation of the function of section 33 has been fundamentally changed by a number of decisions of the Supreme Court of Newfoundland and Labrador. First, in the April 14, 2021 *Oleynik v. Memorial University* decision, the court concluded that because the doctrine of solicitor-client privilege occupies a special place in Canadian jurisprudence:

> *….the wording of section 33(3) would require specific language in the nature of 'notwithstanding section 30 of the Act' to abrogate solicitor-client and litigation privilege. No such explicit language is employed, so I conclude the Legislature did not intend to abrogate this fundamental privilege embedded in our law.*

That Court declined to decide whether section 33(3) is paramount to other exceptions to access enumerated in the *Act*, leaving that issue for a case in which it was fully engaged.

[24] That issue was raised again in the September 24, 2021 decision in *College of the North Atlantic*, in which the court stated:

> *[34] A reading of section 30 and Division II of the Act leads me to the conclusion that the subject of a workplace investigation is entitled to receive all relevant information provided that any infringement of a third party's personal privacy is reasonable.*

> *[35] Section 33(3), therefore, does not override the provisions of section 40. In this case the Requestor is a party to a workplace investigation. Prima facie, therefore, he is entitled to all relevant information gathered by the employer. This right, however, is qualified by the provisions of section 40 – to the extent that the disclosure cannot result in an unreasonable invasion of the third party's personal privacy.*

[25] That interpretation was reinforced by the August 17, 2022 *Town of Lewisporte* decision, in which the Court stated:

> *[73] There is nothing in the wording of ATIPPA to signal that mandatory disclosure pursuant to s. 33(3) is paramount to mandatory refusal of disclosure pursuant to s. 40(1). The Intervenor's submission is that if the legislature had intended to limit the employee's positive right of access, it would have included specific language to that effect. As there is no language to signal priority, he submits that the employee's right should prevail.*
>
> *[74] Respectfully, I find that this interpretation does not sufficiently consider the balancing of rights and interests at the heart of ATIPPA's purpose and scheme. The goal of facilitating democracy by ensuring that citizens have access to information, particularly personal information about themselves, is not more important than the goal of facilitating democracy by protecting the privacy of individuals with respect to personal information about themselves held and used by public bodies. To put it another way, the objects of ATIPPA do not place the interests of the employee in the fruits of the workplace investigation over those of a third party who participated in the investigation.*

[26] On the first issue, whether section 33 applies to a record so as to override the provisions of section 40, we have to agree that the City's position is correct. In the face of the above interpretation by the courts, the earlier interpretation of the relationship between sections 33 and 40 can no longer be followed. Absent a different ruling by the Court of Appeal, or unless there is a way to distinguish the above court decisions, we must follow them. This will require a line-by-line review of the responsive records, to determine whether or to what extent section 40 applies to the information.

[27] There is one additional issue involving the application of section 33. The City, in addressing the disclosure issue, has stated that it concluded that under section 33, information pertaining to one of the two complaints would not be considered "relevant to" the

other complaint. It therefore proposed to redact all of the information about the complaint of the other complainant, as a preliminary step.

[28] However, we observe that section 33 refers to "*all relevant information created or gathered for the purpose of a workplace investigation",* not "information relevant to a complaint". In the present case, although there were several complaints, there was only one investigation. We conclude that the more reasonable interpretation is that what is to be disclosed (or withheld) is the information relevant to the whole investigation, not just to one of the complaints.

Section 40 (unreasonable invasion of personal privacy)

[29] Section 40(1) is a mandatory exception to access. It provides that:

> *40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.*

[30] First, the exception applies only to personal information, which is defined in section 2 of the *Act* as "information about an identifiable individual". Some aspects of that definition will be relevant in the paragraphs that follow.

[31] Second, the exception only applies where a disclosure is determined to be, first, an invasion of privacy, and also unreasonable. In the remaining provisions of section 40, there is a process to be followed in reaching that determination. Some kinds of disclosures are, by section 40(2), deemed not to be unreasonable invasions of privacy. If information falls within one of the categories set out in section 40(2) then section 40(1) does not apply. The information therefore must be disclosed.

[32] The disclosure of some other kinds of information is, by section 40(4), presumed to be an unreasonable invasion of privacy. However, that presumption may be rebutted, and section 40(5) provides that in making that determination, all of the relevant circumstances must be considered. A number of such relevant circumstances are listed in section 40(5), but that list is not exhaustive.

Personal Information

[33] The responsive record is 98 pages long, and contains a great deal of concrete descriptive information provided by the complainants, the respondent, and some 40 witnesses, all of whom are identified by name and job title, sometimes with additional details about work history or relationship to the events they described.

[34] Some attempt has been made by the investigator, in writing the report, to de-identify the information obtained from those persons who were interviewed. First, the accounts of events are organized, not by witness, but by event. The investigator often begins a paragraph by stating, for example, "One employee described…." Sometimes the description that follows is generic and could have been made by anyone. More often, however, there are details that would make it reasonably likely that a person familiar with the workplace, such as the complainants and the respondent, could identify the individual witness who made the statement. This, of course, is especially true for the complainants, whose complaints are summarized in detail. That information then falls into the category of personal information, because it is about identifiable individuals.

[35] It must be kept in mind that the investigation was essentially about the conduct of one specific individual in the workplace and was focused on descriptions or examples of that conduct. Consequently, even if a passage in the report cannot easily be linked to the witness who described it, it is almost always about the respondent. It is therefore the respondent's personal information.

[36] Having reviewed the report we are satisfied that the vast majority of the content of the 98 pages consists of the personal information of one or more identifiable individuals. It is therefore necessary to examine the report in detail in order to determine, line by line, whether its disclosure would be an unreasonable invasion of someone's privacy.

Unreasonable Invasion of Privacy

[37] We must first ask whether any of the information in the report is already in the public domain. If it is, then in many circumstances it likely would not be an invasion of privacy to disclose it.

[38] The City's submission, which we accept, is that though some aspects of this story have received widespread publicity, such as the dismissal of the CAO and two City councillors, there has been very little publicity specifically about the workplace investigation and the report itself has been closely held.

[39] Some information, while not strictly public, is already in the possession of one or more of the parties. As noted above, the City created and sent to the complainants and to the respondent a summary of the investigator's findings. This document, however, is barely nine pages long, in table form, and briefly describes each allegation of misconduct and whether or not it was substantiated. It contains very little personal information, except to identify the complainants and the respondent. As stated earlier, the respondent already knows the identity of the complainants, as the City provided that information to him, as well as copies of the complaint letters, at the outset. The disclosure of the summary therefore provides very little additional personal information, and really has little bearing on whether the much more detailed information in the report might reasonably be disclosed.

[40] Similarly, in addition to the complaint letters the respondent has already received a copy of the investigator's notes, which were provided to him prior to the respondent being interviewed. Those notes, however, were very heavily redacted before they were provided, and we are satisfied that the redacted notes do not contain a great deal of information from which a knowledgeable reader could identify individuals. Furthermore, the notes were provided only to the respondent, not to anyone else.

[41] We conclude that there is not a lot of personal information in the report that is already publicly available, or already in the possession of any of the parties. Therefore, that factor cannot justify disclosure of additional information from the report.

Section 40(2)

[42] We should next ask whether any of the circumstances set out in section 40(2) are applicable. First among those is:

> *(a) the applicant is the individual to whom the information relates;*

[43] As the applicant here is one of the original workplace complainants, any of the information provided by him, or about him, should be disclosed to him. However, upon review, there proves to be scarcely any information from or about the Complainant that is not entangled with information about one or more other individuals. Given the nature of the workplace and of the complaints, we are satisfied that, as stated by the City, there is a reasonable likelihood that those individuals would be identifiable by anyone familiar with the workplace. Redacting their names is simply not enough to secure anonymity in such circumstances. Therefore, that information must also be examined to determine whether disclosure would be unreasonable.

Consent

[44] Section 40(2)(b) provides that a disclosure is not unreasonable "*where the third party to whom the information relates has, in writing, consented to or requested the disclosure*." The City points out that the investigator's report itself makes clear that almost all the individuals interviewed expressed fear of retaliation if their statements were disclosed. Consent of these individuals to disclosure is therefore extremely unlikely.

Position, Functions and Remuneration

[45] Section 40(2)(f) provides that a disclosure is not unreasonable if it is about a person's position, functions or remuneration as an officer, employee or member of a public body. Previous reports have concluded that this provision covers, for example, a job title and description of its responsibilities. However, the way in which a person has carried out their responsibilities, and especially evaluations of job performance and complaints of misconduct, are matters of employment history, the disclosure of which is presumed, under section 40(4)(c) to be an unreasonable invasion of privacy and therefore subject to determination under section 40(5). The vast majority of the investigator's report consists of such matters of employment history, and only disconnected fragments of the report would be disclosable under section 40(2)(f).

Section 40(5)

[46] Since we have found no provision of section 40(2) that deems any of the information in the report to not be an unreasonable invasion of privacy, we must turn to section 40(5) which requires a consideration of various factors, not limited to the list in section 40(5). The list does, however, include several factors that are particularly relevant to the present evaluation:

> *(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;*
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> *. . .*
>
> *(c) the personal information is relevant to a fair determination of the applicant's rights;*
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> *. . .*
>
> *(e) the third party will be exposed unfairly to financial or other harm;*
>
> *(f) the personal information has been supplied in confidence;*
>
> *(g) the personal information is likely to be inaccurate or unreliable;*
>
> *(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;*

[47] First, there is no doubt that it is in the public interest that public bodies should have policies and programmes in place to promote safe and healthy workplaces, and processes that provide for the proper investigation of workplace complaints. The City of Mount Pearl has a Respectful Workplace Policy, an Employee Code of Conduct, and a Whistleblower Policy, all of which were involved in the workplace investigation. All of those policies and the procedures for implementing them are public documents. It would no doubt be desirable, for subjecting the City to public scrutiny, that the public have access to some information about how those policies have been implemented, and whether investigations have been conducted fairly and professionally.

[48] That is not to say, however, that all of the details of the information gathered during an investigation should necessarily be made public. For effective public scrutiny, it may be sufficient to provide summary reports of the nature of an investigation and its results. Section 33 itself was clearly intended to prevent the wide disclosure of such detailed information, and to limit any disclosure to a small number of people who were parties to the investigation. The reasons for this are widely accepted. In order to have the full cooperation of witnesses, it may

be necessary to assure them of confidentiality, in order to protect them from embarrassment, conflict with others, or retaliation.

[49] In the present case, it is clear from the widespread concerns about retaliation or other adverse consequences expressed by witnesses, as described in the investigator's report and in the City's submissions, that the expectation of confidentiality referred to in section 40(5)(f) above is a major factor to be considered. This is a factor that favours withholding of such information.

[50] There must be, in any workplace investigation, consideration for the protection of the rights of all parties, and procedural fairness. That is generally a matter for the internal management of the public body employer and, of course, for the investigator themselves. That issue could conceivably have been engaged if, during the course of the investigation process, a party believed that they were not being provided with access to information they needed to protect their right to a fair hearing. The present case, however, comes after the investigation process has been completed, so procedural fairness is not a factor supporting disclosure here.

[51] The Complainant has argued that he may in future have to respond in a court of law and that he would need the full report in order to do so. Our Office has taken the position in other cases, particularly where litigation may reasonably be expected, that section 40(5)(c) (a fair determination of the applicant's rights) can be an important factor favouring disclosure. However, more than a mere possibility of litigation would be required, and there is no evidence in the present case that such a threshold has been crossed.

[52] The City invokes section 40(5)(e) and (h) (exposure to harm) in several different ways in support of withholding information. First, of course, is the potential for harm to the reputation of the respondent. However, section 40(5)(e) and (h) provide that the exposure to harm must be "unfair." It is difficult to conclude that disclosing the details of a properly conducted investigation that substantiates a complaint of misconduct could be unfairly damaging to the respondent.

[53] The City argues more persuasively that exposure to harm applies also to the other individuals involved. First, as the City's submissions to the 2020 Statutory Review stated, it has already happened that people who believed they had provided confidential statements to the investigator suffered great stress and anxiety upon discovering that the investigator's notes had been provided to the respondent. The City states that the mental distress was related to a widespread and acute fear of retaliation or reprisal by the respondent, and submits that a similar result could be expected if the full report were to be disclosed.

[54] Section 40(5)(g) was raised by the Complainant, who submits that many people who spoke to the investigator will feel more threatened and violated should the report not be released. The Complainant believes that since many of the allegations involved perceived cover-ups to protect people in power and while substantial redaction or full withholding of information might protect privacy, it would do harm by feeding suspicion. However, the summary report already disclosed to the parties clearly confirms which allegations of misconduct were substantiated. It is difficult to see how any concern about a cover-up could reasonably be maintained in the circumstances.

[55] Finally, the list of factors to be considered in section 40(5) is not exhaustive. Other factors may be relevant, or even determinative, in a particular case. In the present case it may be useful to consider whether the purpose and function underlying section 33 ought to be considered as an important factor in reaching a determination that appropriately upholds the purposes underlying *ATIPPA, 2015* as a whole.

[56] In that regard, it is important to note that section 33 was designed to provide for disclosure to parties only. It is of course true that once a record has been disclosed to any person, the public body has no control over what that individual may do with it. It is always necessary for a public body to at least consider the likelihood that disclosure to one individual may be disclosure to the world. That would be a factor that might favour withholding of some personal information.

[57] On the other hand, it would appear that section 33, at least in isolation, was specifically designed to mandate full disclosure of all of the information gathered for a workplace

investigation. That purpose seems clear. However, the courts have decided that the provision cannot be considered in isolation.

Conclusion

[58] In the present case, we have determined that following the *College of the North Atlantic* and *Lewisporte* decisions, the application of the different factors to be considered under section 40(5) leads us to conclude that the disclosure of almost all of the information in the investigation report would be an unreasonable invasion of the privacy of one or more individuals. Once that information is redacted, all that would remain would be isolated, meaningless fragments. We therefore agree with the decision of the City of Mount Pearl to withhold the entire responsive record from the Complainant.

[59] In some previous cases that have come before this Office, applying the interpretation set out by the *College of the North Atlantic* and *Lewisporte* decisions has in fact resulted in the disclosure of a great deal of information. By contrast, in the present case, the result has been that section 33(3) has been rendered essentially meaningless. The different treatment of the workplace investigation in the present case, and that in *Lewisporte* can only be explained by differences in how the two reports were drafted, with the structure and format of the report in *Lewisporte* allowing the Town to redact sufficient personal information while leaving the remainder of the report intelligible.

[60] It is absurd and troubling that the consistent application of an interpretation of the statute should lead to such inconsistent results. This case illustrates the paradoxical situation in which we find ourselves at this moment. Clearly, it was the intent of the legislature in 2012 to create a mandatory right of access for the parties to a workplace investigation but a mandatory exception for everyone else. But, following the decisions referenced here, section 33 has proven to operate only partially or, as in this instance, not at all. The intended right of access within section 33 has been entirely overridden by the privacy provisions, because the *Act* does not provide a guide on how to resolve the interplay between sections 33 and 40, beyond the generic balancing provision within section 40(5) that applies to all forms of personal information.

[61] Section 40(2)(d) provides that a disclosure is not unreasonable *"where an Act or regulation of the province or of Canada authorizes the disclosure."* It might be concluded that section 33 itself is a provision of an *Act* that clearly authorizes disclosure to the parties, and therefore such a disclosure would be deemed to be not unreasonable.

[62] There have been a number of cases, involving both access and privacy matters, in which a disclosure has been determined not to be an unreasonable invasion of privacy (or a privacy breach under Part III) because another *Act* has authorized or mandated the disclosure. An example is our Report A-2021-028, in which we determined that because the *Municipalities Act* requires certain information to be publicly available, the disclosure of that information in response to an access request is not an unreasonable invasion of privacy.

[63] It is tempting to conclude that such an interpretation could resolve the conflict between section 33 and section 40 and permit section 33 to operate in the way in which it was apparently intended. However, it does not appear that any of the courts referred to above considered this possibility, and there was no discussion of this point in any of the court's decisions. Under the circumstances we are unwilling to adopt a conclusion that departs so significantly from the interpretation chosen by the court, without having placed the issue before the court in a case that permits a full examination.

[64] The result in the present case will be particularly disheartening to the workplace complainant who, at the time that he embarked on the process of making the complaint, felt assured that he would have the right to obtain the entire results of the investigation under the then-accepted interpretation of section 33 the *Act*.

[65] These unsatisfactory results highlight the flaws in the relationship between two different provisions of the *Act.* The courts have endeavoured to reconcile the apparent conflict, but the courts can only interpret the statute as it is written. Legislative intervention will likely be necessary to clarify the interpretation issues and resolve the conflict.

RECOMMENDATIONS

[66] Under the authority of section 47 of *ATIPPA, 2015*, I recommend that the City of Mount Pearl continue to withhold the entire workplace investigation report under section 40(1).

[67] As set out in section 49(1)(b) of *ATIPPA, 2015*, the head of the City of Mount Pearl must give written notice of his or her decision with respect to these recommendations to the Commissioner and any person who was sent a copy of this Report within 10 business days of receiving this Report.

[68] Dated at St. John's, in the Province of Newfoundland and Labrador, this 4th day of May, 2023.

Michael Harvey
Information and Privacy Commissioner
Newfoundland and Labrador