



OFFICE OF THE INFORMATION  
AND PRIVACY COMMISSIONER  
NEWFOUNDLAND AND LABRADOR

**Report A-2023-052**

**December 14, 2023**

**City of St. John's**

**Summary:**

The Complainant made an access to information request to the City of St. John's for records about communications between the City and Parks Canada about the Outer Battery Road and North Head Trail. The City provided records, withholding some information pursuant to sections 28 (local public body confidences), 29 (advice and recommendations), 35 (disclosure harmful to the financial or economic interests of a public body), and 40 (disclosure harmful to personal privacy). On review the Commissioner found that the exceptions were properly applied and recommended that the City continue to withhold the information.

**Statutes Cited:**

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c. A-1.2, sections 28, 29, 35, and 40.

## BACKGROUND

[1] The Complainant made a request under the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015 or the Act)* to the City of St. John's (City) for:

*All information relayed between the City of St. John's and Parks Canada re Outer Battery Road and/or the North Head Trail since 2010.*

[2] The City provided 47 pages of records to the Complainant, from which it had redacted some information. The Complainant asked that this Office review the City's redactions.

[3] As informal resolution was unsuccessful the complaint proceeded to formal investigation in accordance with section 44(4) of *ATIPPA, 2015*.

## DECISION

[4] The majority of the redactions applied by the City were pursuant to section 40 of the *Act* (disclosure harmful to personal privacy) to protect personal information such as names, email addresses and other identifying information of individuals, or information about personal matters such as health or vacation. All of those redactions were appropriate.

[5] Section 28 of the *Act* (local public body confidences) provides that a municipality may withhold information about the content of matters discussed in privileged meetings of council. The City has done so appropriately to withhold minutes of several special meetings. Upon review of these minutes, and in the absence of submissions from the Complainant to the contrary, there is no reason to believe on their face that these were not properly constituted privileged meetings.

[6] Section 29 (advice and recommendations) was properly used on one occasion, to redact an employee's advice.

[7] Section 35 (disclosure harmful to the financial or economic interests of a public body) was used to redact several passages containing matters involving negotiations between the City

and the federal government, which remain as yet ongoing and unresolved, for which disclosure would likely be premature and therefore harmful. The City was entitled to withhold those passages.

## RECOMMENDATIONS

- [8] Under the authority of section 47 of *ATIPPA, 2015*, I recommend that the City of St. John's continue to withhold the redacted information.
- [9] As set out in section 49(1)(b) of *ATIPPA, 2015*, the head of the City of St. John's 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.
- [10] Dated at St. John's, in the Province of Newfoundland and Labrador, this 14<sup>th</sup> day of December 2023.



Michael Harvey  
Information and Privacy Commissioner  
Newfoundland and Labrador