



OFFICE OF THE INFORMATION  
AND PRIVACY COMMISSIONER  
NEWFOUNDLAND AND LABRADOR

Report A-2025-025

May 28, 2025

## Newfoundland and Labrador Legal Aid Commission

**Summary:**

The Complainant made an access request to the Newfoundland and Labrador Legal Aid Commission for records related to certain phone calls made in 2020. Legal Aid NL responded that responsive records no longer existed. The Complainant asserted that Legal Aid NL had failed to conduct a reasonable search, had misrepresented the telecom provider, had ignored inconsistencies in data retention policies, had failed to confirm whether call logs existed and had failed to transfer the request. The Commissioner found that Legal Aid NL had conducted a reasonable search for records and had responded appropriately to the access request.

**Statutes Cited:**

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 13, 14, 65, and 115.

## BACKGROUND

- [1] The Complainant made an access to information request under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) in January 2025 to the Newfoundland and Labrador Legal Aid Commission (“**Legal Aid NL**”) for call logs and metadata related to phone calls that had been made from a Royal Newfoundland Constabulary station to Legal Aid NL’s toll-free number during a 12-minute window on the night of August 28-29, 2020. Legal Aid NL responded that it did not have records responsive to the request.
- [2] The Complainant filed a complaint with our Office, asserting that Legal Aid NL:
- did not conduct a reasonable search for call logs and phone bill records from the actual telecom provider;
  - misrepresented Telelink as the telecom provider;
  - failed to recognize contradictions in data retention policies, as records were deleted in January 2022, not September 2021;
  - failed to confirm whether phone bills containing call logs exist; and
  - failed to transfer the request to the actual telecom provider.
- [3] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

## ISSUES

- [4] The main issues to be dealt with in this Report are as follows:
1. Whether Legal Aid NL conducted a reasonable search for records;
  2. Whether Legal Aid NL misrepresented Telelink as the telecom provider;
  3. Whether contradictions exist in data retention policies involving voice recordings;
  4. Whether Legal Aid NL failed to confirm whether phone bills containing call logs exist; and
  5. Whether Legal Aid NL failed to transfer the request to the actual telecom provider.

## DECISION

### Reasonable Search

- [5] Following our investigation, we conclude that Legal Aid NL did conduct a reasonable search for records responsive to the request. Legal Aid NL's telecom services provider is Bell Aliant, which issues monthly phone bills to its customers. Each bill contains, for long-distance billing purposes, a list of outgoing calls placed from Legal Aid NL office phone numbers, along with the phone number and location called, the length of the call, and the resulting charge. There are no lists of incoming calls, or outgoing local calls.
- [6] For Legal Aid NL's toll-free 1-800 number, all calls are incoming, not outgoing. For these calls, Bell Aliant's records only show the exchanges, not the phone numbers, from which calls originate. Each bill aggregates the total number of incoming calls in that month from each exchange, and the total charges for the calls from each exchange. Bell Aliant's records do not show the phone numbers that called the toll-free line, or the dates or times of such calls.
- [7] Records that might contain the information responsive to this request are kept by Legal Aid NL's after-hours answering service provider, Telelink. That company keeps logs of incoming calls on the toll-free line received outside of Legal Aid NL's working hours and transfers some calls to the assigned after-hours duty counsel. Legal Aid NL therefore asked Telelink to provide any records they had containing the information the Complainant requested.
- [8] Telelink responded to Legal Aid NL's request that it had no such records, because the calls in question took place in August 2020. Telelink has a records retention policy that calls for purging data from its records after one year. Telelink's technical staff confirmed that it was not now possible to recover such information from August 2020.
- [9] Legal Aid NL staff were familiar with their own records and with the data provided to them by Bell Aliant and Telelink. The steps they took to try to find the requested information were

reasonable, and Legal Aid NL's response, that there were no responsive records, was accurate.

### Misrepresentation

[10] It is clear that although there may have been some initial lack of clarity, Legal Aid NL did not misrepresent Telelink's role. Legal Aid NL knew that its Bell Aliant records did not contain the requested information, but also knew that Telelink might possibly have that information. Therefore, Legal Aid NL reached out to Telelink but found that any relevant call logs had been purged long ago. Legal Aid NL repeatedly explained this to the Complainant, who refused to accept the explanation.

### Data Retention Policies

[11] During our investigation, we determined that the logs kept by Telelink were deleted in January 2022. Per the retention policy outlined above, this is later than when they might have been deleted, which would have been in September 2021, one year after the calls were made. The Complainant takes issue with this discrepancy; However, there is no meaningful contradiction in the dates the Complainant was given in the explanation for why there were no longer responsive records. Telelink's policy states that records are to be kept for one year, after which they will be purged. Whether the records sought by the Complainant were purged immediately after one year, in September 2021, or whether the records were not actually purged until January 2022, the end result is now the same. In January 2025 there were no longer any records that are responsive to the request.

### Failure to Confirm the Existence of Call Logs

[12] The Complainant further alleges that Legal Aid NL did not confirm whether phone bills containing calls logs existed. As can be seen from the above information, Legal Aid NL did not "fail to confirm" whether phone bills containing call logs existed. On the contrary, that is precisely what Legal Aid NL did confirm, by examining their Bell Aliant bills and asking Telelink for records.

### Transferring the Request

[13] The Complainant also submits that Legal Aid NL failed to transfer their access request to Telelink. Under section 14 of the Act, a public body may under certain circumstances transfer a request to another public body. Bell Aliant and Telelink are private corporations, not public bodies, and so Legal Aid NL could not transfer the access request to either of them. What it could do, and did, was ask Telelink to provide any records that were relevant to the request. The response received was that such records from that time period no longer exist.

### Subsidiary Issues

[14] The Complainant asked that Legal Aid NL be required to provide copies of call logs and other documentary evidence to him. That is not required by the Act or by our investigatory procedure. Legal Aid NL has provided the necessary documentary evidence to this Office. We have confirmed that the Bell Aliant records do not contain the requested information and that the Telelink records, which may have been responsive, no longer exist. The Act does not require that a public body provide such documentary evidence, or any other non-responsive records, to the Complainant.

[15] The Complainant suggested in submissions that Legal Aid NL failed to retain records, in violation of the Act. The Act does not, however, provide generally for record retention matters. The Act requires that personal information used to make a decision about a person must be retained for a year (section 65), and also that it is an offence to destroy a record that is the subject of an access request (section 115); However, neither of those provisions apply in the present case.

[16] The Complainant further insisted, without evidence, that Legal Aid NL in its handling of their request is responsible for numerous violations of their Charter rights, as well as acts constituting obstruction of justice under the Criminal Code, and requested that our Office refer the handling of this matter to the Royal Canadian Mounted Police and to the Law Society of Newfoundland and Labrador. There is no evidence that the conduct of the public body in this matter is anything other than appropriate, and certainly no such referrals are contemplated by this Office.

[17] In conclusion, we find that Legal Aid NL conducted a reasonable search for records responsive to the access request, located no responsive records and responded appropriately to the Complainant. Further complaints made by the Complainant regarding the actions of Legal Aid NL were made without evidence and found to be without merit.

## RECOMMENDATIONS

[18] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Newfoundland and Labrador Legal Aid Commission maintain its position on these matters.

[19] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Newfoundland and Labrador Legal Aid Commission 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.

[20] Dated at St. John's, in the Province of Newfoundland and Labrador, this 28<sup>th</sup> day of May, 2025.



Kerry Hatfield  
Information and Privacy Commissioner  
Newfoundland and Labrador