



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2025-030

June 18, 2025

Northern Peninsula Regional Service Board

Summary:

The Northern Peninsula Regional Service Board failed to respond to two access requests made by the Complainant within the required timeframes under the Act, prompting complaints to this Office that NPRSB did not uphold its duty to assist. The OIPC found the Northern Peninsula Regional Service Board continues to be in clear violation of its legal obligations and recommended that it respond to the requests, comply with statutory duties, apply for extensions when needed, undergo access and privacy training, and improve communications with this Office.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c. A-1.2, sections 13 and 16.

Authorities Relied On: NL OIPC Reports [A-2022-013](#) and [A-2025-018](#).

[Access to Information Policy and Procedure's Manual](#).

BACKGROUND

- [1] The Complainant submitted two access to information requests to the Northern Peninsula Regional Service Board (“NPRSB”) between seeking the following:

I am requesting the following information

- 1 Copy of the 2025 Budget
- 2 Copy of the most recent audit
- 3 Copy of all rules, regulations and procedures the Board operates under.
- 4 All information pertaining to the tendering and acquisition of the attendants shed at the Anthony waste facility (dump) (request dated February 14, 2025)

I am requesting all records of the actions and steps taken by the board in filling the vacant position of General Manager. This should include but not limited to emails, memos texts that reference the General Manager position. This should also include records of actions taken to hire a General Manager. This would include but not limited to, advertising for the position, hiring an outside firm to seek suitable applicants. (request dated March 26, 2025)

- [2] Pursuant to section 16 of the **Access to Information and Protection of Privacy Act, 2015** (the “Act”), NPRSB’s final responses to the Complainant’s access requests, consisting of its decision letter and accompanying responsive records, were due within 20 business days of receipt of each request. The Board did not apply to the Commissioner for approval to extend the time for responding to any of the requests which meant the Board was expected to respond to the earlier of the two requests by March 14, 2025 and the latter by April 24, 2025. Upon expiration of the statutory deadlines without final responses from NPRSB to the requests, the Complainant filed complaints with this Office.
- [3] The NPRSB is a non-profit board established by the Lieutenant Governor in Council under the **Regional Service Boards Act** and the **Northern Peninsula Regional Service Board Order**. It is managed by a board of directors drawn from the municipal councils of the local communities and its chair is appointed by the Lieutenant-Governor in Council.
- [4] As NPRSB has yet to provide final responses to the Complainant to these access requests, informal resolution was unsuccessful. The Complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

PUBLIC BODY'S POSITION

- [5] Our Office contacted NPRSB on several occasions and requested that it make submissions in response to the two complaints. No submissions were received from NPRSB.

COMPLAINANT'S POSITION

- [6] The Complainant submits that NPRSB has failed to respond to the above-noted access requests within the legislative time frame under section 16 (time limit for final response) and subsequently failed to uphold section 13 (duty to assist).

ISSUES

- [7] At issue for this report is the NPRSB's compliance with the Act's time limit for a final response (section 15) as well as the duty to assist (section 13).

DECISION

- [8] Section 16 of the Act states:

16.(1) The head of a public body shall respond to a request in accordance with section 17 or 18, without delay and in any event not more than 20 business days after receiving it, unless the time limit for responding is extended under section 23.

(2) Where the head of a public body fails to respond within the period of 20 business days or an extended period, the head is considered to have refused access to the record or refused the request for correction of personal information.

- [9] Clearly, the NPRSB failed "to respond within the period of 20 business days or an extended period" with respect to these requests. As they did not respond to the requests within the deadline set out in section 16, nor did they apply to our Office for any time extensions pursuant to section 23, NPRSB is, per section 16(2), "considered to have refused access to the record" in relation to the access to information request.

[10] Pursuant to section 13, a public body has a duty to assist an applicant who makes access to information request:

13. (1) The head of a public body shall make every reasonable effort to assist an applicant in making a request and to respond without delay to an applicant in an open, accurate and complete manner.

[11] The ATIPP Office has produced an [Access to Information Policy and Procedures Manual](#) which accurately reflects the views of this Office as stated in [A-2022-013](#). This Manual defines the duty to assist while setting out some general obligations that the duty may include, such as:

- providing the necessary information to an applicant so that they may exercise their rights under the Act;
- clarifying the request with an applicant, where necessary;
- performing full and adequate searches for records responsive to an access request; and
- responding to an applicant openly and without delay.

[12] At the time of this Report, the Complainant has not received anything from the NPRSB. The NPRSB has also not provided submissions to our Office.

[13] This Office previously reported on the NPRSB's lack of compliance with the Act in Report [A-2025-018](#), where it had similarly failed to respond in any way to several access requests or make submissions in response to our investigations. The NPRSB has since been deemed to have accepted the recommendations in that earlier report. However, despite accepting the recommendations in this Office's previous report and the involvement of the Department of Municipal Affairs and Community Engagement (the Government of Newfoundland and Labrador department responsible for regional service boards such as the NPRSB), the NPRSB continues to remain non-responsive to applicants and to this Office.

[14] In our previous Report, we noted that smaller public bodies, such as NPRSB, often operate with limited resources and may face challenges in responding to access to information requests. Since that Report was issued on March 25, 2025, the NPRSB has had ample opportunities – and offers of assistance from the Department and from this Office – to bring itself into compliance with the Act. Its continued failure to make any attempt to meet its

obligations under the Act is very concerning. We reiterate comments made in Report [A-2025-018](#): compliance with the law is not optional, and public bodies must take proactive steps to ensure they are meeting their legal obligations.

RECOMMENDATIONS

[15] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015** (the “Act”), we recommend that the Northern Peninsula Regional Service Board:

1. No later than 20 business days of receiving this Report, provide a response to the Complainant’s two access requests, enclosing copies of all records responsive to the requests, subject to any necessary redactions.
2. Comply in future with the statutory duties imposed upon it by sections 13, 15, and 16 of the Act.
3. Apply for extensions of time where appropriate and as soon as it becomes evident a request cannot be processed within the 20 business days provided by the Act, and
4. Within 30 business days of receipt of this Report, make arrangements for training from the provincial ATIPP Office about the statutory requirements and procedures for responding to access to information requests and complaints for the Head of the Public Body, the ATIPP Coordinator, and any other staff who may be involved in processing access to information requests, and
5. Commit to full and open communication with this Office on future investigations including timely responses to notification letters and requests for records within the legislated time periods.

[16] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Northern Peninsula Regional Service Board 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.

[17] Dated at St. John's, in the Province of Newfoundland and Labrador, this 18th day of June 2025.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador