



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2025-044

November 5, 2025

Department of Justice and Public Safety

Summary:

The Complainant made an access to information request to the Department of Justice and Public Safety for the contact information of Crown Attorneys. The Department directed the Complainant to contact information publicly available through the Law Society of Newfoundland and Labrador. The Department did not disclose cell phones numbers, which were not public available. The Commissioner concluded the Department could continue to withhold cell phone numbers under section 31(1)(n). The Commissioner further concluded the Department's final response was deficient in that it did not cite section 22 (published material) when it refused to provide the requested contact information.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 17, 22, and 31(1)(n).

[Freedom of Information and Protection of Privacy Act](#), RSA 2000, c F-25, as rep. by [Access to Information Act](#), SA 2024, c A-1.4, sections 17 and 20.

Authorities Relied On: AB OIPC [Order F-2021-28](#)

BACKGROUND

- [1] The Complainant made an access to information request to the Department of Justice and Public Safety under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”), for the contact information of Crown Attorneys in Stephenville and Port aux Basques. The Complainant specified they wanted their mailing address, email addresses, and government-issued phone numbers.
- [2] In its final response, the Department advised the Complainant that contact information for Crown Attorneys can be found on the Law Society of Newfoundland and Labrador’s website, in its lawyer directory. The Department provided a hyperlink for the directory and further advised the Complainant that the Crown Attorneys in Stephenville also cover Port aux Basques.
- [3] The Complainant objected to the Department not providing the requested information directly but instead directing them to a non-government source. The Complainant further noted that the contact information provided by the Law Society of Newfoundland and Labrador does not include cell phone numbers.
- [4] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

PUBLIC BODY’S POSITION

- [5] The Department’s position is that, per section 22 of the Act, it appropriately responded to the Complainant’s access request by directing them to publicly available information that was responsive to the request. Further, the Department submitted that it did not provide the cell phone numbers because it did not consider them responsive to the request. However, in its initial response to our Office’s investigation, the Department cited sections 31(1)(n) (“adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;”) and 37 (disclosure harmful to individual or public safety). In particular, the Department submitted that the cell phones assigned to Crown

Attorneys are used only for maintaining contact while out of the office or after hours and are not intended for contact with the public. Allowing the public, including witnesses, defendants, or others, to contact Crown Attorneys directly through their cell phone could negatively interfere with a prosecution by creating an appearance of bias. Disclosing the cell phone numbers could also expose Crown Attorneys to abusive or harassing phone calls.

COMPLAINANT'S POSITION

[6] The Complainant submits that the Department's response was not compliant with the Act, as it directed them to find the requested information from an organization that is not a public body. The Complainant further notes that if the Department was relying on section 22 to not provide the information itself, it did not notify them of this fact, contrary to the provision of the Act.

[7] As noted above, the Complainant further objects to the Department failing to provide cell phone numbers for the Crown Attorneys and notes the Department did not cite its reasons for not providing this information in its final response.

ISSUES

[8] At issue for this Report is, first, whether the Department may withhold the cell phone numbers; and, second, whether the Department's response was compliant with sections 17 and 22 of the Act.

DECISION

[9] Section 31(1)(n) of the Act states:

31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to

...

- (n) adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;

[10] The Alberta Office of the Information and Privacy Commissioner considered a request to the Calgary Police Service involving cell phone numbers for police officers in Order F2021-028. The adjudicator eventually concluded that sections 17 and 20(1)(m) of the Alberta **Freedom of Information and Protection of Privacy Act** did not apply. These provisions are the equivalents of the Act's sections 40 (disclosure harmful to personal privacy) and 31(1)(l) (reveal arrangements for the security of property or a system). However, the adjudicator did conclude cell phone numbers could be withheld under section 25(1)(c), a provision similar to the Act's section 35(1)(g) (disclosure which could reasonably be expected to prejudice the financial or economic interests of the government of the province).

[11] The Department did not cite section 35(1)(g) of the Act, but the Alberta adjudicator's comments are nonetheless helpful in assessing the Department's application of 31(1)(n):

[Para 36] Public Bodies often assign direct lines and cell phone numbers to employees for specific types of work related calls, and another number, such as a main switchboard number, for calls from members of the public. For example, an employee may be given a direct line or cell phone number that other employees of the public body or senior officials may use to contact the employee. The general public does not have access to this number, but must contact the employee through a general switchboard system. In this way, the Public Body is able to ensure that calls are directed to the appropriate employees for response and that the employee does not have to field calls that are unrelated to the employee's work duties or that are inappropriate given those duties.

[para 37] Restricting access to employee direct lines and cell phone numbers serves a number of organizational purposes. If the employee has a decision making or adjudicative function, it prevents an interested party from communicating directly with the employee without other parties being present. Such calls may undermine the appearance of fairness of the adjudicative process, and are avoided for that reason. Similarly, if an employee is an investigator, such as a police officer, direct calls from witnesses or interested parties may interfere with an investigation. The evidence of witnesses, including police witnesses, may be given less weight at trial if the witnesses have discussed a case, or appear to have discussed a case, prior to giving testimony.

[para 38] If an employee has a high profile position, the direct line or cell phone number may receive so many calls as to become a nuisance if the number were to become public. In other cases, access to an employee's direct line or cell phone number may be restricted in order to protect the employee from harassing phone calls related to the employee's work or function. By having an employee's calls from the general public directed to a switchboard, a public body may screen phone calls before directing them to a particular employee's cell phone or direct line to ensure that the appropriate phone calls are referred to the correct employee, and to mitigate the risk of the outcomes I have listed.

[12] Considering the Department's submissions, we are satisfied that allowing the general public access to a Crown Attorney's direct cell phone number could reasonably be expected to adversely affect the prosecution of an offence as restricting access is useful in promoting the fairness and integrity of the criminal prosecution process. Therefore, the Department has demonstrated that section 31(1)(n) applies in this case. There is value in the public being able to contact employees of public bodies, but that is more than satisfied by the contact information (address, office phone number, and direct email address) already available to the public.

[13] As noted above, the Department relied on section 22 of the Act to refuse to provide information that was publicly available. The Department did direct the Complainant to where they could find the information they had requested (but not the cell phone numbers, which have been addressed above).

[14] Section 22 states:

22. (1) The head of a public body may refuse to disclose a record or part of a record that

(a) is published and is available to the public whether without cost or for purchase; or

...

[15] The content of a public body's final response to an access to information applicant is set out at section 17, and requires a public body to advise an applicant:

17. (1) In a final response to a request for access to a record, the head of a public body shall inform the applicant in writing

(a) whether access to the record or part of the record is granted or refused;

...

(c) if access to the record or part of the record is refused,

(i) the reasons for the refusal and the provision of this Act on which the refusal is based, and

(ii) that the applicant may file a complaint with the commissioner under section 42 or appeal directly to the Trial Division under section 52, and advise the applicant of the applicable time limits and how to file a complaint or pursue an appeal.

[16] Section 22 describes the non-disclosure of published material as a “refusal” of access. As such, section 17(1)(c) is engaged. The result is that any final response from a public body applying section 22 to refuse access to records which are publicly available should cite “the provision of this Act on which the refusal is based,” pursuant to section 17(1)(c)(i). While the Department properly directed the Complainant to published material that was responsive to their request, it erred in not stating it was doing so under section 22. The Department’s final response did notify the Complainant of their right to make a complaint to this Office, in compliance with section 17(1)(c)(ii).

RECOMMENDATIONS

[17] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015** I recommend that the Department of Justice and Public Safety:

1. continue to withhold the cell phone numbers pursuant to section 31(1)(n), and
2. review its access to information policies and processes and ensure future final responses provide reasons and cite provisions on which refusal of access is based.

[18] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Department of Justice and Public Safety 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.

[19] Dated at St. John's, in the Province of Newfoundland and Labrador, this 5th day of November 2025.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador