



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2025-048

December 1, 2025

Memorial University

Summary:

The Complainant made an access request to Memorial University for records about deliverables produced by the senior and special advisors to the President. The University provided a final response, withholding some information under sections 27 (cabinet confidences), 29 (policy advice or recommendations), 31 (disclosure harmful to law enforcement), 35 (harm to the financial and economic interests of a public body), and 40 (disclosure harmful to personal privacy). This Office made recommendations for additional releases to the University which it accepted and additional information was disclosed to the Complainant. The Commissioner found that the remaining exceptions had been properly applied and determined that the University had conducted a reasonable search and met its duty to assist. The Commissioner recommended the University continue to withhold the remaining redacted information.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, section 27, 29, 31, 35, and 40.

Authorities Relied On: NL OIPC Reports [A-2009-011](#), [A-2019-020](#), [A-2021-034](#), [A-2025-007](#), [A-2025-029](#), and [A-2025-046](#).

BACKGROUND

- [1] The Complainant made an access to information request to the University under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) for the following:

Deliverables produced by the senior and the special advisors to MUN's President in fiscal years 2023-2024, and 2024-2025. If some responsive records are withheld in their entirety, please provide their list and description (record type [memo, report...], record name, date, recipients, senders, number of pages, and exemption claimed)

For a definition of "deliverables", you may refer to MUN's Policy on Research Contracts and Agreements as a logically relevant example. The definition from the said Policy defines deliverables in the following words:

Deliverables include the results of the advisors' work. They may include reports, memos, papers, presentations, models, prototypes and demonstrations. Deliverables are the products and services for which the advisors are paid salary and benefits.

- [2] The University provided a final response to the Complainant, producing 854 pages of responsive records, withholding some information under sections 27 (cabinet confidences), 29 (policy advice or recommendations), 31 (disclosure harmful to law enforcement), 35 (harm to the financial and economic interests of a public body), and 40 (disclosure harmful to personal privacy). The Complainant made a complaint to this Office seeking our review of the decision to withhold information and alleging that the University did not conduct a reasonable search and did not meet its duty to assist.
- [3] During our investigation, The University released some additional information to the Complainant which had previously been withheld. However, further records were not located.
- [4] Informal resolution was unsuccessful, and the complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

PUBLIC BODY'S POSITION

- [5] The University asserts it conducted a reasonable search for records by contacting all individuals identified in the Complainant's request and undertaking searches of both electronic and physical files using key search terms. In total, 854 pages of responsive records were located. In applying redactions, the University relied on several provisions of the Act to protect internal advice and recommendations, safeguard system security information, confidential evaluative material, proposed projects, sensitive financial information, and to protect personal information of applicants and employees. The University maintains that all redactions were appropriate and public interest considerations did not override the reasons for applying the exceptions to access. The University submits it met its duty to assist by promptly acknowledging the complaint, communicating with the Complainant to clarify the scope of the request, and notifying the Complainant of all approved time extensions. The University adds that records were released on a staggered basis in accordance with the extensions granted, meeting its duty to assist.

COMPLAINANT'S POSITION

- [6] The Complainant alleges the University's decision to grant only partial access to records was inadequate where the exceptions applied were questionable and that the accompanying description of those exceptions was insufficient. The complainant further contends that additional responsive records likely exist but were not provided. The Complainant also says the University failed to communicate in an open, accurate and complete manner and failed in its duty to assist.

ISSUES

- [7] The issues for this report to address are whether the University appropriately applied the exceptions to access at sections 27, 29, 31, 32, and 40; and whether the University conducted a reasonable search for records; and whether the University met its duty to assist.

DECISION

- [8] The Complainant argued the University failed to meet its duties under section 17 as it did not provide sufficient detail in its final response about the information it had withheld. The Complainant specifically requested a line-by-line assessment “with every redaction being justified on its own merits.” In [A-2025-046](#), this Office had accepted that the University indicated the specific provisions of the Act (including providing the wording of the sections) and the page numbers it was applying them to. Section 17(1)(c)(i) requires that public bodies provide reasons for a refusal of access, along with the provisions of the Act upon which the refusal is based. In some cases, it may not be possible to do so without disclosing information that the public body is entitled to withhold. In this case, I am satisfied that it was not practical for the University to provide detailed reasons without disclosing information protected by an exception.
- [9] Section 27(2)(a) states a cabinet record “shall” not be disclosed. This is a record-level exception and not subject to the line-by-line analysis applied to most records responsive to an access to information request. With respect to the records which the University has withheld under section 27, these records clearly fall within the parameters of section 27(1)(a) as they consist of advice, recommendations and policy considerations prepared and submitted to Cabinet and must be withheld in its entirety. This Office agrees with the University’s decision to withhold these records.
- [10] As discussed in Report [A-2025-007](#), the purpose of this exception is to foster and protect an environment in which public servants can produce full, free and frank advice, without being concerned that their work might be subject to public scrutiny. This will include such things as views, opinions, warnings, questions, disagreements, or approvals. It also includes drafts of documents such as policies or agreements because they are, essentially, proposals for the creation of instruments that are subject to further discussion and amendment and ultimately require executive approval.

- [11] A substantial amount of information throughout the package of responsive records was redacted on this basis, including advice sought on personnel management, creation and filling of positions, sensitive financial details or controversial proposals. After review we have concluded that section 29 was appropriately applied.
- [12] Section 31(1)(l) allows a public body to withhold information where the disclosure of that information could reasonably be expected to reveal the security arrangements for a computer or communication system and was used in two instances to withhold DocuSign Envelope IDs. In Report [A-2021-034](#), the Commissioner relied on the public body's own assessment of the security of its systems. While that report dealt with Webex meetings, the DocuSign Envelope IDs are similar and their disclosure can also reasonably be expected to reveal arrangements of the security of the document, as it is a unique identifier for the redacted document and holds no relevant public interest in its release. This approach follows current best information technology practices, and the exception was applied appropriately.
- [13] Section 35(1)(d) was applied to information in the records pertaining to specific projects or proposals where the University exercised its discretion to apply the exception to prevent premature disclosure.
- [14] In [A-2019-020](#), this Office had accepted the definition of "administration of a public body" to mean, "all aspects of a public body's internal management [...] that are necessary to support the delivery of programs and services." In that Report, this Office accepted that financial operations and contract management fall squarely within the meaning of administration of a public body as outlined in section 35(1)(c). We found that section 35 "requires a reasonable expectation that release of the records would disclose plans developed for the purpose of contractual negotiations." Each of the records reviewed pertained to human resource plans being considered but not yet made public. As such, the exception was applied properly.
- [15] Section 40 prohibits the disclosure of personal information if it would constitute an unreasonable invasion of personal privacy. It covers both the personal information of public body employees, and that of other individuals. Section 40 redactions throughout the records

consist of individuals' employment history, personal email addresses or phone numbers, or personal remarks included in official communications. All those redactions were appropriate.

Duty to Assist

[16] In Report [A-2009-11](#), the Commissioner stated that the duty to assist had three separate components:

1. the public body must assist an applicant in the early stages of making a request,
2. it must conduct a reasonable search for the requested records, and
3. it must respond to the applicant in an open, accurate and complete manner.

[17] The Complainant suggests that the University has failed to comply with all those requirements.

[18] First, the public body is expected to assist the applicant in the early stages where it may be necessary to interpret or clarify the request. As noted in Report [A-2025-029](#):

[7] Assistance from the coordinator may be necessary where there is some doubt as to the meaning of the language of in the access request.

...

[8] With that said, many access requests can be accepted at face value and will not require the ATIPP coordinator to engage in follow-up to clarify the request. In determining whether clarification is needed, consideration should be given to the language of the access request (Is it precise? Does it demonstrate a familiarity with the ATIPP process?). Furthermore, a person making their first ATIPP request may require more guidance on how to frame an access request than a sophisticated user of the ATIPP process who routinely makes such requests.

[19] In the present case, the access request was clear and specific. It would also appear from the construction of the request the Complainant is familiar with the Act and with the access process. Therefore, there would have been no need for the University to contact the Complainant to clarify or interpret the request. Regardless, it promptly acknowledged the Complainant's request and worked extensively with them to clarify and focus the request.

[20] Second, a public body is expected to conduct a reasonable search for records. As our Office has stated on numerous occasions, the standard for conducting a search for records is not perfection, but reasonableness. The test is often stated to be “whether the search is conducted by knowledgeable staff in locations where the relevant records are likely to be located.”

[21] The University explained how the search for records was conducted, who was involved in the search and who had knowledge of the subject matter of the request. Individuals in these offices were involved in the subject matters of the request and are knowledgeable and experienced with access to information requests. A reasonable search was conducted and there is no reason to believe additional records exist. The University asserts its search met the required standard of reasonableness rather than perfection.

[22] Third, a public body must respond to an applicant in an open, accurate and complete manner. In meeting the duty to assist the University promptly acknowledged the Complainant’s request, worked extensively with him to clarify and focus the request, and responded to the applicant openly and without delay. The University was open with the Complainant regarding applying for time extensions and being granted approval from our Office four times. The advisory response was on time and provided a staggered response to ensure they received access to records as soon as possible.

[23] Based on the evidence reviewed, the University has met its duty to assist.

RECOMMENDATIONS

[24] Under the authority of section 47 of **the Access to Information and Protection of Privacy Act, 2015** I recommend that the University maintain its position and continue to withhold the information pursuant to sections 27, 29, 31, 35, and 40.

[25] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of Memorial University 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.

[26] Dated at St. John's, in the Province of Newfoundland and Labrador, this 1st day of December, 2025.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador