



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-002

January 23, 2026

Office of the Chief Medical Examiner

Summary:

The Complainant made an access request to the Department of Justice and Public Safety for records related to a deceased family member. The request was partially transferred to the Office of the Chief Medical Examiner. The Office of the Chief Medical Examiner responded to the request by denying access to the majority of the records under section 24(1) of the **Fatalities Investigation Act**. The Commissioner concluded that the **Fatalities Investigation Act** prevailed and recommended that the public body maintain its position.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, section 7 and schedule A.

[Fatalities Investigations Act](#), SNL 1995 c. F-6.1, section 24.

Authorities Relied On: NL OIPC Report [A-2025-041](#).

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** (“**ATIPPA, 2015**”) for records related to an investigation into the death of a family member. The request was partially transferred to the Office of the Chief Medical Examiner (“OCME”).
- [2] The OCME responded by providing one responsive record and denying access to the remaining records, citing section 24(1) of the **Fatalities Investigation Act** (“FIA”). The Complainant filed a complaint with our office.
- [3] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of ATIPPA, 2015.

DECISION

- [4] The Complainant made a similar request for related records to the Royal Newfoundland Constabulary, which culminated in [Report A-2025-041](#). That report included a detailed analysis of the relationship between ATIPPA, 2015 and FIA.
- [5] In summary, section 24(1) of FIA grants the Chief Medical Examiner discretion over the release of all records created under FIA. This conflicts with ATIPPA, 2015 which requires the release of records subject to appropriate redactions. This conflict is resolved in favour of FIA through section 7(2) of ATIPPA, 2015, which states: “where access to a record is prohibited or restricted by, or the right to access a record is provided in a provision designated in Schedule A, that provision shall prevail over this Act or a regulation made under it.” Section 24(1) of FIA is listed at paragraph (g) of Schedule A. Therefore, FIA and not ATIPPA, 2015 applies to the records.
- [6] The Complainant argued that because the OCME’s investigation is complete, FIA no longer applies. This is incorrect: the records sought relate to an investigation under FIA and the status or outcome of the investigation does not displace the Chief Medical Officer’s discretion to not

release records. Section 24(2) provides for the next of kin, the executor or executrix of the deceased or other interested party, considered valid by the Chief Medical Examiner to receive a report following the completion of the OCME's investigation. The Complainant has received that report: this complaint concerned all other records related to the investigation of the death of their family member.

RECOMMENDATIONS

- [7] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Office of the Chief Medical Examiner maintain its position.
- [8] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Office of the Chief Medical Examiner 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.
- [9] Dated at St. John's, in the Province of Newfoundland and Labrador, this 23rd day of January 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador