



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-005

March 3, 2026

City of St. John's

Summary:

The Complainant made an access request to the City of St. John's for records about complaints, approvals, or permits for a specific property. The City provided responsive records, withholding information under section 31 (disclosure harmful to law enforcement), 35 (disclosure harmful to the financial or economic interests of a public body), and 40 (disclosure harmful to personal privacy) of the **Access to Information and Protection of Privacy Act, 2015**. The Commissioner found the exceptions had been properly applied and recommended the City of St. John's continue to withhold the information.

Statutes Cited:

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

Authorities Relied On: NL OIPC Reports [A-2022-001](#), and [A-2021-035](#).

BACKGROUND

- [1] The Complainant submitted an access to information request to the City of St. John's under the **Access to Information and Protection of Privacy Act, 2015** (the "Act"), seeking complaints, approvals, and permits for a specific property from July 2025 to present.
- [2] The City responded by providing partial access to the records, withholding information under section 31 (disclosure harmful to law enforcement), 35 (disclosure harmful to the financial or economic interests of a public body), and 40 (disclosure harmful to personal privacy). The Complainant proceeded to file a complaint with this Office.
- [3] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

PUBLIC BODY'S POSITION

- [4] The City maintains that it appropriately withheld information under sections 31(1)(a), 35(1)(d), and 40(1).

COMPLAINANT'S POSITION

- [5] The complainant alleges that the reasons presented to redact the records seem invalid; particularly the refusal to disclose information under section 31 the Act.

ISSUES

- [6] At issue for this Report is whether the City properly applied section 31, section, 35, and section 40 of the Act.

DECISION

Section 31(1)(a)

[7] Section 31(1)(a) 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

(a) interfere with or harm a law enforcement matter

[8] Law enforcement is defined in the Act under section 2(n) as follows:

(n) "law enforcement" means

(i) policing, including criminal intelligence operations, or

(ii) investigations, inspections or proceedings conducted under the authority of or for the purpose of enforcing an enactment which lead to or could lead to a penalty or sanction being imposed under the enactment

[9] The City's position with respect to section 31(1)(a) is that responsive records represent the City's documentation of previous and ongoing investigations into complaints received regarding the property. The City explained that the Regulatory Services Division carries out investigations to ensure compliance with the National Building Code and the City's Building By-Law, along with other related regulations, and has the authority to issue orders associated with violation of these by-laws and regulations.

[10] After reviewing the records, we are satisfied the Regulatory Services Division meets the definition of law enforcement as set out in section 2(n)(ii).

[11] During the informal resolution stage, the Office of the Information and Privacy Commissioner recommended some information, previously withheld under section 31(1)(a), be released. It was determined that release of information about the nature of the complaint to the Regulatory Services Division would not reasonably interfere with or harm the investigation. The City was agreeable to this and released this information.

[12] As both the previous and ongoing investigation are related matters, and the disclosure of the records could reasonably interfere with the current investigation, we recommend the City continue to withhold the remainder of the information to which the City has applied section 31(1)(a).

Section 35(1)(d)

[13] Section 35(1)(d) of the act states:

35 (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

...

(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party

[14] The information at issue describes the proposed work to be completed at the property. Previous reports from this Office have noted that where information in question is about an ongoing project or matter, the early release of such information could reasonably be expected to result in the premature disclosure of a proposal or project and we find the same here (see, for example, [A-2022-001](#), and [A-2021-035](#)). As the building permit for this work had not yet been approved at the time of the access to information request, it is reasonable to conclude disclosure of the information would result in the premature disclosure of the proposed work.

[15] We recommend the City continue to withhold the information under section 35(1)(d).

Section 40(1)

[16] Section 40(1) of the Act states:

40 (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

[17] Personal information is defined under section 2 of the Act as recorded information about an identifiable individual. The information at issue consists of names, phone numbers, email addresses, and home addresses of third parties. Section 40 requires the public body to

withhold this information as none of the provisions under section 40(2) which would deem disclosure not an unreasonable invasion of personal privacy apply. Further, none of the factors at section 40(5) weigh in favor of disclosure to rebut the presumption the personal information should not be disclosed.

[18] As this information could reasonably identify an individual, we recommend the City continue to withhold the information under section 40(1),

RECOMMENDATIONS

[19] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the City of St. John's maintain its position on this matter and continue to withhold the information pursuant to section 31, 35, and 40.

[20] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of City of St. John's 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.

[21] Dated at St. John's, in the Province of Newfoundland and Labrador, this 3rd day of March 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador