



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-011

April 13, 2026

City of Corner Brook

Summary:

The Complainant made an access to information request to the City of Corner Brook for records related to the Deep Gulch Culvert Replacement. The City provided over 2300 pages of records with redactions under sections 28 (local public body confidences), 29 (policy advice or recommendations), 30 (legal advice), 31 (disclosure harmful to law enforcement), 34 (disclosure harmful to intergovernmental relations and negotiations), 35 (disclosure harmful to the financial and economic interests of a public body), 39 (disclosure harmful to business interests of a third party), and 40 (disclosure harmful to personal privacy) of the **Access to Information and Protection of Privacy Act, 2015**. The City also withheld over 11,000 pages of records in their entirety under section 30 (legal advice). The Complainant was not satisfied with the response and filed a complaint with this Office. The City agreed to amend its decision by removing a number of redactions and identified 10,309 pages of the 11,000 pages of records that could be released subject to applicable exceptions. This Report finds that the remaining redactions to the originally provided records were appropriate and recommended that the 10,309 pages of records be released subject to any applicable exceptions. The Complainant retains the right to make a further complaint about redactions within any newly released records.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 28, 29, 30, 31, 34, 35, 39 and 40.

BACKGROUND

- [1] The Complainant made a request to the City of Corner Brook under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) for records relating to the Deep Gulch Culvert Replacement from tender to present.
- [2] The City provided the complainant with over 2300 pages of records, with information severed under sections 28, 29, 30, 31, 34, 35, 39 and 40 of the Act. Some information was also withheld for being non-responsive to the request. Approximately 11,000 pages of records were withheld in their entirety under section 30, either due to solicitor client privilege or litigation privilege. The Complainant did not agree with the City’s decision to withhold information and filed 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. The Information and Privacy Commissioner, Kerry Hatfield, delegated authority for this matter to me, as Director of Research and Quality Assurance, pursuant to section 103 of ATIPPA, 2015.

ISSUES

- [4] Did the City appropriately withhold information under sections 28, 29, 30, 31, 34, 35, 39 and 40 of the Act?

DECISION

- [5] Over the course of this Office’s investigation, and in response to preliminary recommendations, the City agreed to remove some of the redactions made under sections, 29, 35, 39, and 40. The changes have now been made, and the amended records have been provided to the Complainant. The remaining redactions in the records originally provided to the Complainant have been reviewed by this Office and are appropriate.

- [6] In addition to removing the redactions noted above, the City re-reviewed the over 11,000 pages of records withheld in their entirety under section 30 of the Act.
- [7] The City provided a signed affidavit from the City's solicitor outlining what records were withheld under solicitor client privilege, litigation privilege, or both, and the basis for withholding the records. The City also provided this Office with a copy of the records, less the solicitor client privileged records. The City identified 10,309 pages of records that it had previously withheld under section 30 that it was now willing to release subject to any necessary exceptions. We commend the City for providing this Office with an affidavit confirming the solicitor and client nature of some of the records and for completing a secondary review that allowed further records to be released to the Complainant.
- [8] When the City complies with the recommendation below and releases the additional records subject to any applicable redactions, the Complainant will retain the right to make an additional complaint to this Office regarding any redactions within the newly released records.

RECOMMENDATIONS

- [9] Under the authority of section 47 of the Access to Information and Protection of Privacy Act, 2015, I recommend that the City of Corner Brook release all of the records identified in the solicitor's affidavit as not subject to section 30, subject to any necessary applicable redactions within 80 business days of receipts of this report. While this period of time is quite long, there are 10,309 records that the City must conduct a line-by-line review of to ensure redactions are fairly applied.
- [10] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the City of Corner Brook 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.

[11] Dated at St. John's, in the Province of Newfoundland and Labrador, this 13th day of April 2026.

Sean Murray
Commissioner's Delegate
Office of the Information and Privacy
Commissioner
Newfoundland and Labrador