



OFFICE OF THE INFORMATION  
AND PRIVACY COMMISSIONER  
NEWFOUNDLAND AND LABRADOR

## Report A- 2026-012

April 15, 2026

### Newfoundland and Labrador Housing Corporation

**Summary:**

The Complainant made an access request to the Newfoundland and Labrador Housing Corporation for records containing their personal information, including any internal communication involving them and any communication related to their advocacy work. NLHC provided responsive records, withholding information under section 29 (policy advice or recommendations), section 31 (disclosure harmful to law enforcement), section 37 (disclosure harmful to individual or public safety), and section 40 (disclosure harmful to personal privacy) of the **Access to Information and Protection of Privacy Act, 2015**. The Complainant claimed that the redactions were overly broad and obscured necessary information. The Complainant also claimed NLHC had failed to conduct a reasonable search for records. This Office found that NLHC conducted a reasonable search for records and properly applied the exceptions. It was therefore recommended that NLHC continue to withhold the information.

**Statutes Cited:**

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, section 13, 29, 31, 37, and 40; [Freedom of Information and Protection of Privacy Act](#), RSBC 1996, c 165, section 19

**Authorities Relied On:** NL OIPC Reports [A-2015-003](#), [A-2021-034](#), and [A-2025-006](#)

OIPC NL Practice Bulletin - [Redacting Non-Responsive Information In a Responsive Document](#), May 2016

[British Columbia FOIPPA Policy & Procedures Manual](#)

## BACKGROUND

- [1] The Complainant submitted a request to the Newfoundland and Labrador Housing Corporation (“NLHC”) under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”), for records containing their personal information, including any internal communications involving them or their advocacy work from October 2023 to present.
- [2] NLHC responded by providing partial access to the records, but withheld some information, citing the exceptions to access in section 29 (policy advice or recommendations), section 31 (disclosure harmful to law enforcement), section 37 (disclosure harmful to individual or public safety), and section 40 (disclosure harmful to personal privacy). Large portions of the records were also withheld using the application of “non-responsive records”. The Complainant proceeded to file a complaint with this Office asserting that the exceptions were overly broad and obscured necessary information. The Complainant also claimed NLHC had failed to conduct a reasonable search for records.
- [3] As informal resolution was unsuccessful, the Complainant 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.

## PUBLIC BODY’S POSITION

- [4] NLHC maintains that all exceptions to access were applied appropriately and a reasonable search for records was conducted.

## COMPLAINANT’S POSITION

- [5] The Complainant alleges that the redactions were overly broad and obscured information necessary to understand NLHC’s decisions and actions.

- [6] The Complainant also asserts that the records that were disclosed reference internal awareness, discussion, and handling of their advocacy work and therefore reasonably indicates the existence of further related records that were not included in the disclosure.

## ISSUES

- [7] The issues to be addressed in this Report are:
- a. whether NLHC properly applied sections 29, 31, 37, and 40 of the Act; and
  - b. whether a reasonable search for records was conducted.

## DECISION

- [8] Large portions of the responsive records were withheld using the application of “non-responsive records”. While this Office’s [Practice Bulletin on Redacting Non-Responsive Information in a Responsive Document](#) does allow for the application of “non-responsive records” it must be applied sparingly and only where necessary. Given the extensive application of it to the responsive records a preliminary recommendation was made to NLHC to review the records again, claiming only the exceptions to access listed in section 27 to 41 of the Act. NLCH agreed to this and provided the records again applying only section 29, 31, 37, and 40 of the Act.

### Section 29(1)(a)

- [9] Section 29(1)(a) of the Act provides:
- 29(1) The head of a public body may refuse to disclose to an applicant information that would reveal
- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister; has been applied to withhold information that includes policy advice, and recommendations.

- [10] In this case, one phrase where an employee of the public body was providing advice to another employee was withheld.

[11] As disclosure of this phrase would reveal advice by the public body, we recommend the information continue to be withheld under section 29(1)(a).

### **Section 31(1)(l)**

[12] Section 31(1)(l) allows a public body to withhold information where the disclosure of information could reasonably be expected to:

(l) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

[13] NLHC applied section 31(1)(l) in three instances to a very small amount of information, including a link to the location of a document on a shared drive.

[14] Report [A-2021-034](#) noted that the application of 31(1)(l) does not require a risk of harm, but only that the release of the information can reasonably be expected to reveal arrangements for the security of a computer system or other areas listed in the exception. In this case we are satisfied that disclosure of the information would meet this threshold and we therefore recommend the information continue to be withheld under section 31(1)(l).

### **Section 37(1)(b)**

[15] Section 37(1) of the Act states:

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

(a) threaten the safety or mental or physical health of a person other than the applicant; or

(b) interfere with public safety.

[16] The burden of proving section 37(1) of the Act applies is NLHC's. It must prove that the disclosure of the information could reasonably be expected to threaten the safety or mental or physical health of individuals or interfere with public safety.

[17] In Report [A-2015-003](#) at paragraph 10, this Office outlined the harms test to consider when applying this section:

[Public bodies] cannot rely on speculation that harm might take place but must establish a reasonable expectation that harm would result from the disclosure of the specific records or information at issue and not from unrelated factors.

[18] The information at issue consists of the addresses of shelters and transitional housing units provided by NLHC to vulnerable individuals. NLHC has argued that an individual's safety, or the safety of residents in an area, may be threatened if information about the location of a transition house is disclosed. In addition, NLHC stated that the disclosure of a shelter or unit location – particularly for victims of violence or sexual assault – can be harmful to both individual and public safety. Protecting this information is crucial as the most dangerous time for a victim is when they are leaving an abusive situation and disclosure can lead to stalking, harassment, or assault. As well, disclosure of these addresses can trigger fear, anxiety, and trauma. If an abuser were to learn the location of a shelter or unit it can lead to threats and violent re-contact. Making these locations public could also lead to unnecessary or dangerous interference from individuals looking for residents, thus compromising the safety of individuals living, working, or residing in or near the shelter or unit.

[19] Section 19 of [British Columbia's Freedom of Information and Protection of Privacy Act](#) operates in a similar manner to section 37 of the Act. Section 19 is a discretionary exception which allows the public body to refuse to disclose information which could reasonably be expected to threaten anyone else's safety or mental or physical health or interfere with public safety. The [British Columbia Freedom of Information and Protection of Privacy Act Policy and Procedures Manual](#) provides the following in relation to section 19(1)(a) of that statute:

The safety of another person would be threatened if information were disclosed to an applicant that could jeopardize the other person's safety. The mental or physical health of another person would be threatened if information were disclosed to an applicant that would cause severe stress to either the person's mind or body. [For example] an individual's safety, or the safety of residents in an area, may be threatened if information about the location of a transition house is disclosed.

[20] NLHC agreed to release the locations of any publicly known shelters as listed on the United Way 211 website, as it was concluded the disclosure of these addresses would not interfere with public safety.

[21] Regarding the remaining locations which were withheld, NLHC indicated that its longstanding practice has been to redact that information because vulnerable individuals such as victims of violence or recovering addicts may be placed in those locations at various times. NLHC has argued that disclosure of the locations of these shelters could reasonably be expected to expose residents, shelter employees, or other area residents to safety risks. This Office finds that the information at issue would meet the harms test and there is a reasonable expectation that harm could result from their disclosure. We recommend the information continue to be withheld under section 37(1)(b).

### **Section 40(1)**

[22] 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.

[23] During the investigation of this complaint, this Office made a preliminary recommendation that the redactions made to government email addresses be removed as they would fall under section 40(2)(f) and therefore would not be an unreasonable invasion of personal privacy. NLHC agreed with this recommendation and removed the redactions. The amended records were then provided to the Complainant. The remaining information withheld under section 40 has been reviewed by this Office and the redactions are appropriate.

### **Section 13(1) – Duty to Assist**

[24] Section 13 of the Act imposes on public bodies a duty to assist access to information applicants, as follows:

13. (1) The head of a public body shall make every reasonable effort to assist an applicant in making a request and to respond without delay to an applicant in an open, accurate and complete manner.

[25] The aspect of section 13 that is at issue is whether the public body responded in a complete manner to the Complainant's request for information by conducting a reasonable search. Specifically, the Complainant asserts that the records that were disclosed reference internal awareness, discussion, and handling of their advocacy work and therefore reasonably indicates the existence of further related records that were not included in the disclosure.

[26] The standard to be applied to a search for records by a public body has been stated in many past Reports issued by this Office, including recently in Report [A-2025-006](#) (at paragraph 24):

. . . The Act does not require the public body to prove with absolute certainty that records do not exist. The public body must provide evidence to show that it has made a reasonable effort to locate records responsive to the request. A reasonable search is one in which an employee, experienced in the subject matter, expends a reasonable effort to locate records which are reasonably related to the request. The standard is not perfection, but one of reasonableness.

[27] From our review of NLHC's submissions, this Office is satisfied it conducted a reasonable search for responsive records. The mere existence of records referencing the Complainant does not inherently imply that there are more records. Furthermore, NLHC demonstrated that a search of both electronic and physical records, utilizing multiple keywords, had been completed. NLHC has met its duty to assist the Complainant.

## RECOMMENDATIONS

[28] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Newfoundland and Labrador Housing Corporation maintain its position on this matter and continue to withhold the information pursuant to section 29, 31, 37, and 40.

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

[30] Dated at St. John's, in the Province of Newfoundland and Labrador, this 15<sup>th</sup> day of April 2026.



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