



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-015

June 10, 2026

Department of Justice and Public Safety

Summary:

The Complainant made a request under the **Access to Information and Protection of Privacy Act, 2015** to the Department of Justice and Public Safety. The Department did not respond to the request in the timeframe required by section 16 of the Act and was deemed to have refused access. The Complainant made a complaint to this Office. The Commissioner found the Department had not complied with its obligations under the Act, in particular sections 13 (duty to assist) and 16 (time limit for final response). The Commissioner recommended the Department comply with its statutory duties in the future, apply for extensions when necessary, provide updates to applicants if deadlines are missed, and provide periodic partial disclosure when appropriate.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 13 and 16.

Authorities Relied On: NL OIPC Reports [A-2024-041](#)

BACKGROUND

- [1] The Complainant made an access request under the **Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015) to the Department of Justice and Public Safety (“JPS”) on March 5th, 2024, seeking all records related to the Complainant in the records of four employees at a specified correctional institution within a particular four-year date range.
- [2] The Department did not provide a final response to the request. The Complainant 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.

PUBLIC BODY’S POSITION

- [4] The Department provided our Office with a response to the complaint, acknowledging that its response to the request was late, citing various factors that led to that result, which will be referenced below.

COMPLAINANT’S POSITION

- [5] The Complainant asserts that their access request should be processed with no further delay given that the Department has already missed its statutory deadlines. The records were finally released to the Complainant prior to the issuance of this report; however, the Complainant did not agree with informal resolution.

ISSUES

- [6] This report will address whether the Department has met its obligations under section 13 of ATIPPA, 2015 (duty to assist the applicant) and section 16 (time limit for final response).

DECISION

[7] Section 16(2) of ATIPPA, 2015 states:

16. (2) Where the head of a public body fails to respond within the period of 20 business days or an extended period, the head is considered to have refused access to the record or refused the request for correction of personal information.

[8] It is not disputed that the Department did not provide a final response to the access request in the time required by section 16 of ATIPPA, 2015. In fact, more than 2 years elapsed between the Department informing the Complainant they would release the records and the Complainant receiving the responsive records.

[9] The Department released records to the Complainant prior to the issuance of this report. The Complainant did not agree to informally resolve the complaint given the excessive delay between making the access request and receiving the records.

[10] In its response to this Office, JPS explained its failure to meet the statutory deadline with reference to a variety of factors, including the increasing workload of new access requests, human resource challenges, and the need to respond to other complaints received from our Office.

[11] The Department also explained that it had recently received another request for substantially the same records. Two extensions of the time to respond were applied for and granted by this Office for the new request based on the volume of records, the sensitivity or complexity of the material and the necessity of consulting other public bodies. It was not noted in the extension requests that the request was related to a request that was subject to a deemed refusal complaint with this office. The extensions (10 days and 30 days respectively) were granted by this Office making the final revised deadline June 8, 2026. JPS noted in the complaint that it was processing these two files together on a priority basis due to the existence of this complaint.

[12] In the present complaint, the Department provided several updates to this Office and confirmed “all searches, redaction reviews, and external consultations have been completed, and the file is currently undergoing departmental executive review. We anticipate that the file will be finalized and the records released to the applicant by the end of this week”.

[13] It is apparent that the Department allowed newer access requests to impact the timeliness of the response to the original two-year-old access request. While the Department might have found it convenient to respond to similar access requests simultaneously, the two-year delay in responding to the first request far exceeds the time limits prescribed under the Act. The Department did not seek any extension of time to respond to this request and did not keep the Complainant up to date on the processing of the request. A staggered release or similar mitigation ought to have been pursued by the Department.

[14] Pursuant to section 13(1) of ATIPPA, 2015 a public body has a duty to assist an applicant who makes an access to information request:

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.

[15] The duty to assist requires a public body to respond openly, accurately, and completely, without unreasonable delay. As this access request is over two years old, it is an obvious failure of the Department to meet its obligations under the Act.

[16] Since 2024, communications from the Department have indicated it is trying to improve responses to access to information requests through the addition of new personnel and implementation of revised procedures. As noted in [A-2024-041](#), this Office welcomes these efforts, however, it must be noted that the deemed refusal issue persists.

[17] Over the course of this investigation the Department noted that the records package was awaiting final review and confirmation by Department Executive. From a review of correspondence with the Department, the final package awaited this final review and confirmation for 25 days. This Office understands that the final decision to approve the

release of records rests with the head of the public body, however this review must be completed in a reasonable time and certainly within the legislative time frame as set out in the Act.

[18] The Department further explained in its response to the OIPC on March 30, 2026, to address its lateness, “with the hiring of new staff at the beginning of 2026, JPS now has one Senior ATI Coordinator and two ATI Coordinators, along with continued support from the ATIPP Office. This added capacity has enabled the department to make meaningful progress on meeting legislative timelines while also managing the existing backlog.”

RECOMMENDATIONS

[19] Under authority of section 47 of the Access to Information and Protection of Privacy Act, I recommend that the Department of Justice and Public Safety:

1. Comply in future with the statutory duties imposed upon it by sections 13 and 16 of the Act;
2. On a go forward basis, to provide regular updates to applicants, including work remaining and an estimated timeframe for the final response if the Department determines that a deadline will be missed;
3. Provide partial disclosure of records on an ongoing basis when appropriate;
4. Ensure time extension applications are made to this Office as soon as it becomes evident that a request may not be able to be processed in the legislative timeframe.

[20] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of Justice and Public Safety 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 10th day of June 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador