



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-016

June 30, 2026

Newfoundland and Labrador Health Services

Summary:

The Complainant made a request for correction of personal information to Newfoundland and Labrador Health Services. The Complainant sought to have records corrected which contained allegations that the Complainant had been aggressive and had been escorted out by security. NLHS refused to grant the request for correction and instead annotated the record. The Complainant filed a complaint with this Office regarding the refusal of the correction request. This Office found that NLHS had refused the request for correction in accordance with the **Access to Information and Protection of Privacy Act, 2015** and annotated the record appropriately.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 10, 18 and 63.

Authorities Relied On: NL OIPC Report [A-2014-014](#)

ON IPC Orders [PO-2079](#), [PO-3089-F](#), [MO-3707](#), and [PO-2549](#)

BC OIPC Order [124-1996](#)

AB OIPC Order [F2016-34](#)

BACKGROUND

- [1] The Complainant submitted a request to Newfoundland and Labrador Health Services (“NLHS”) under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) for correction of their personal information. Specifically, the Complainant wanted an email corrected which contained allegations that the Complainant was aggressive with a client and that they were escorted out by security in public.
- [2] NLHS responded that a decision was made to annotate the record which contained these allegations. A copy of the record was placed in the Complainant’s Human Resources file with three annotations which stated that no report of aggression was ever filed, the Complainant’s position ended due to personal reasons, and no security involvement or incident record exists.
- [3] The Complainant proceeded to file a complaint with this Office asserting that procedural annotation alone may not fully resolve the broader issues of contextual reliability and continuing interpretive weight where these allegations remain within employment related records despite the absence of corroborating evidence.
- [4] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 44(4) of the Act.

PUBLIC BODY’S POSITION

- [5] The public body maintains that the request for correction of the record was appropriately refused as the original email could not be altered due to limitations in technology. Furthermore, the information subject to the request consists of opinions/observations that were provided by a third party to the public body about the individual and NLHS cannot determine the validity of the statements.
- [6] The public body maintains that the annotations were applied appropriately to accommodate the request for correction. The original email, the annotation, and the communication which outlined the Complainants’ concerns were placed in the Complainants’

HR file. NLHS submits that is acceptable practice to document the information in a place relevant to the issue.

COMPLAINANT'S POSITION

- [7] The Complainant alleges that unsubstantiated allegations continue to be maintained and relied upon within an active Human Resources file.
- [8] The Complainant argues that the matter has been framed too narrowly as one involving purely subjective observations when the records concern allegations capable of verification. Furthermore, the technological limitation argument does not adequately address the statutory purpose of section 18 of the Act.
- [9] The Complainant asserts that procedural annotation alone does not resolve the reliability concerns created by the record as a whole. The Complainant states the resulting HR file now contains both serious misconduct allegations and institutional annotations acknowledging the absence of corroborating evidence. The record now risks creating unfair or misleading inferences which if accessed in the future may have continued operational significance.

ISSUES

- [10] The issues to be addressed in this Report are:
- a. was the requested correction refused in accordance with the Act,
 - b. was the annotation appropriate, and;
 - c. did the public body notify the appropriate parties of the annotation.

DECISION

- [11] The first issue to be resolved in this investigation is whether the public body refused the request for correction in accordance with the Act.

[12] Section 18 of the Act states the following:

18. (1) In a final response to a request for correction of personal information, the head of a public body shall inform the applicant in writing
 - (a) whether the requested correction has been made; and
 - (b) if the request is refused,
 - (i) the reasons for the refusal,
 - (ii) that the record has been annotated, and
 - (iii) that the applicant may file a complaint with the commissioner under section 42 or appeal directly to the Trial Division under section 52, and advise the applicant of the applicable time limits and how to file a complaint or pursue an appeal.
- (2) Where no correction is made in response to a request, the head of the public body shall annotate the information with the correction that was requested but not made.
- (3) Where personal information is corrected or annotated under this section, the head of the public body shall notify a public body or a third party to whom that information has been disclosed during the one year period before the correction was requested.

[13] The information at issue involves a written timeline of events regarding the Complainant's work history. This timeline included allegations that the Complainant was reportedly aggressive, was 'let go' from a position, and was escorted out by security. The two reasons for the refusal cited by the public body were that the record consists of opinions/observations, and the email which contained the information the Complainant sought to correct could not be altered due to limitations in technology.

[14] While section 10 of the Act establishes the right of an individual to request a correction of personal information, unlike the right of access to records, the discretion to grant or refuse a request lies with the public body. While it is a broad discretion, it is not absolute. The exercise of discretion by a public body that relates to a decision in response to a request for correction must be reasonable, and it must consider relevant criteria, and not consider irrelevant criteria. Ontario Information and Privacy Commissioner reports and orders have established that the following three requirements must be met to grant a request for correction:

1. the information at issue must be personal and private information; and
2. the information must be inexact, incomplete or ambiguous; and

3. the correction cannot be a substitution of opinion (Orders P-186 and PO-2079).

[15] Section 63 of the Act must also be considered by the public body when determining whether to correct a record. Section 63 states the following:

63. Where an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body shall make every reasonable effort to ensure that the information is accurate and complete.

[16] This Office has the jurisdiction to review a decision, act, or failure to act that relates to a request for correction. This includes reviewing the exercise of discretion to ensure that relevant criteria such as those outlined above, have been considered. If the exercise of discretion by the public body is unreasonable and fails to consider relevant criteria, we may recommend that a correction be made.

[17] This is consistent with Report [A-2014-014](#) by this Office where, in referencing [Order PO-3089-F](#) by the Information and Privacy Commissioner of Ontario, it was stated that:

The Commissioner may find that the institution erred in exercising its discretion where, for example, it does so in bad faith or for an improper purpose, it takes into account irrelevant considerations or it fails to taken into account relevant considerations

[18] Order [MO-3707](#) by the Ontario Information and Privacy Commissioner discusses a similar issue where a Complainant was seeking corrections to a record containing an opinion. In this case the Complainant sought correction on occurrence reports by the York Regional Police.

Previous orders of this office have considered the issue of correction requests for records similar in nature to those at issue in this appeal. For example, in Order M-777, Adjudicator John Higgins dealt with a correction request involving a “security file” which contained incident reports and other allegations concerning the appellant in that case. Adjudicator Higgins stated:

... the records have common features with witness statements in other situations, such as workplace harassment investigations and criminal investigations. If I were to adopt the appellant's view of section 36(2), the ability of government institutions to maintain whole classes of records of this kind, in which

individuals record their impressions of events, would be compromised in a way which the legislature cannot possibly have intended. In my view, records of this kind cannot be said to be “incorrect” or “in error” or “incomplete” if they simply reflect the views of the individuals whose impressions are being set out, whether or not these views are true. Therefore, in my view, the truth or falsity of these views is not at issue in this inquiry.

[19] Order [PO-2549](#) by the Ontario Information and Privacy Commissioner also found that:

... it is not the truth of the recorded information that is determinative of whether a correction request should be granted, but rather whether or not what is recorded accurately reflects the author’s observations and impressions at the time the record was created.

[20] I find in this matter that the information at issue is an individual’s impressions of events. The timeline of the Complaint’s work history was the author of the email’s understanding of what took place at the time. Whether the information can now be verified as inaccurate is not of relevance to this investigation as the record accurately reflects the author’s observations at the time it was written. To correct the record now would be to substitute an opinion. The public body’s decision to refuse the request for correction of this information on the basis that it is an observation/opinion is appropriate under the Act.

[21] The request for correction was also refused on the basis that the email which contained the information the Complainant sought to correct could not be altered due to limitations in technology. Specifically, the Public Body argued that the email could not be retrieved from the system, altered, and released back into Microsoft Outlook. In addition, to re-write and re-send the email would be tantamount to creating a new record.

[22] Having already determined that correction is not required based on the conclusion that the information was the opinion of a third party, it is not necessary for me to make a finding regarding the technical limitations cited by the public body which prevent it from correcting the record. Nevertheless, I find that the public body’s decision was reasonable in the circumstances and considered all relevant criteria.

[23] The second issue to be resolved in this investigation is if the annotation added is appropriate under section 18 of the Act.

[24] Section 18(2) states the following:

- (2) Where no correction is made in response to a request, the head of the public body shall annotate the information with the correction that was requested but not made.

[25] The public body added three annotations to the record at issue. The annotations stated that no report of aggression was ever filed, the position ended due to personal reasons, and no security involvement record exists. These phrases were taken directly from the correction request submitted by the Complainant.

[26] In Order [124-1996](#), the Office of the Information and Privacy Commissioner of British Columbia set out a principle regarding corrections requests which states:

Annotations and corrections should be apparent in the file, but public bodies have discretion to make administrative decisions about how they will annotate. In general, the annotation should be as visible and accessible as the information under challenge by the applicant. Any annotations or corrections should also be retrieved with the original file.

[27] The following was also stated in Order [F2016-34](#) by the Alberta Office of the Information and Privacy Commissioner:

... an annotation or linkage must be apparent on the file. A public body must not try to hide or bury an applicant's request for correction. The correction request should be as visible and accessible as the information under challenge, and should be retrieved with the original file. In addition, I stated that the public body should not be forced to comply with unreasonable demands of an applicant who, "in voluminous material and in nuisance fashion" insists the documents be edited in exactly the way he or she wishes. Rather, the annotation or linkage should be made in a fair manner. What is considered "fair" will depend on the type of records involved, the length of the correction requested by the applicant, the applicant's other avenues of redress within the public body, such as appeals, and the administrative resources of a public body.

[28] In this case, the original email at issue, the annotations, and the communication which outlined the Complainant's concerns were placed in the Complainants' HR file. I find this to be both a reasonable and accessible location.

[29] The Complainant argues the addition of these annotations now creates a record, and an HR file, that contains conflicting information. While the Complainant states the resulting file now contains both serious misconduct allegations and institutional annotations acknowledging absence of corroborating evidence, I do not believe this to be the case. The annotations added are a summary of the correction that was requested but not made. The annotations do not reflect the public body's position.

[30] I find that the public body's annotations are reasonable and appropriate under the Act.

[31] The final issue to be resolved is did the public body notify the appropriate parties of the annotation.

[32] Section 18(3) of the Act states the following:

- (3) Where personal information is corrected or annotated under this section, the head of the public body shall notify a public body or a third party to whom that information has been disclosed during the one year period before the correction was requested.

[33] The public body confirmed that the original group involved in the matter from which the email stemmed were made aware of the annotation. While the Complainant has noted concerns about future internal access and reliance on the records, there is no requirement under the Act for notice to occur after the correction was requested.

[34] I find that the public body has met its duty under section 18(3) of the Act.

RECOMMENDATIONS

[35] Under the authority of section 47 of the Access to Information and Protection of Privacy Act, 2015, I make no recommendations in this matter.

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

[37] Dated at St. John's, in the Province of Newfoundland and Labrador, this 30th day of June 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador