



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-017

July 7, 2026

Royal Newfoundland Constabulary

Summary:

The Complainant made an access request to the Royal Newfoundland Constabulary (RNC) for investigation records. The RNC refused to disclose the records on the grounds that they were excluded from the **Access to Information and Protection of Privacy Act, 2015** by section 5(1)(m). The Commissioner concluded that the RNC had met the statutory burden of proving that section 5(1)(m) applied and recommended that the RNC maintain its position.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, section 5(1)(m).

Authorities Relied On: NL OIPC Report [A-2026-013](#).

BACKGROUND

- [1] The Complainant made a request to the Royal Newfoundland Constabulary (RNC) under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) for information relating to a police investigation.
- [2] The RNC refused access to the responsive records claiming section 5(1)(m) of the Act. The Complainant filed a complaint with our 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 RNC advised that the responsive records consisted of a General Occurrence File (File). It claimed that the File contained an expression of guilt, and that the Act therefore does not apply to the records.

COMPLAINANT’S POSITION

- [5] The Complainant did not agree that the File ought to contain a suspicion of guilt from an Officer.

ISSUES

- [6] Whether section 5(1)(m) excludes the applicability of the Act to the responsive records.

DECISION

[7] Section 5(1)(m) of the Act states:

5. (1) This Act applies to all records in the custody of or under the control of a public body but does not apply to

...
(m) a record relating to an investigation by the Royal Newfoundland Constabulary in which suspicion of guilt of an identified person is expressed but no charge was ever laid, or relating to prosecutorial consideration of that investigation

[8] The RNC did not provide the File to our Office for review, maintaining its ongoing position on this broader issue which is currently before the court. The RNC did, however, provide an explanation as to what the File contains and how the contents triggered section 5(1)(m): an identified individual with many statements that led to, “a comprehensive investigation conducted by the RNC Criminal Investigation Division”, though the RNC laid no criminal charges. Within this File, the investigating Officer used designative language about the identified individual that demonstrated the Officer’s suspicion of guilt.

[9] Our Office questioned whether the investigating Officer followed a standard process on this investigation and used standard language about the identified individual that one would use to follow up on any complaint to the RNC. The RNC advised, however, that its Officers treat each complaint individually, “based on the unique circumstances of the matter”. It confirmed that in this case, the Officer conducted the investigation and demonstrated a suspicion of guilt, “based on the information available to the officer at the time”, establishing that this was not simply a standard protocol.

[10] Similarly to our conclusion in [Report A-2026-13](#), the RNC provided enough explanation to satisfy our Office that section 5(1)(m) applies and that the File does not fall under the authority of the Act.

RECOMMENDATIONS

- [11] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Royal Newfoundland Constabulary maintain its position regarding section 5(1)(m).
- [12] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Royal Newfoundland Constabulary must give written notice of his, her, or their decision with respect to these recommendations to the Commissioner and any person who received a copy of this Report within ten business days of receiving this Report.
- [13] Dated at St. John's, in the Province of Newfoundland and Labrador, this 7th day of July, 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador