



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-018

July 14th, 2026

Town of Main Brook

Summary:

The Complainant made an access request to the Town of Main Brook on February 18th, 2026 under the **Access to Information and Protection of Privacy Act, 2015**. The Town did not respond to the request in the timeframe required by section 16 of the Act and was deemed to have refused access to the Complainant. The Commissioner found the Town had not complied with its obligations under the Act, in particular sections 13 (duty to assist the applicant) and 16 (time limit for final response). The Commissioner recommended the Town respond to the Complainant's request without further delay, comply with its statutory duties in future, obtain training, and apply for extensions of time when necessary.

Statutes Cited:

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

Authorities Relied On: [ATIPP Guide for Municipalities](#)

BACKGROUND

- [1] The Complainant made a request under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”) to the Town of Main Brook on February 18th, 2026. The Complainant was seeking records related to travel claims for the Mayor for 2024 and 2025. The Town’s final response to the access request was due 20 business days later, in accordance with section 16 of the Act, on March 18th, 2026.
- [2] No response was received from the Town, and the Complainant filed a complaint with this Office on April 10th, 2026.
- [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] In its response to this complaint, the Town indicated that it was not aware of the access request and did not have a town manager to fulfill the request. The Deputy Mayor responded on behalf of the Town to the complaint, however, no member of the Town council had access to the database in which the records are held.

ISSUES

- [5] This Report will address whether the Town has met its obligations under sections 16 (time limit for final response) and 13 (duty to assist the applicant) of the Act.

DECISION

- [6] Section 16 of the Act states:

16. (1) The head of a public body shall respond to a request in accordance with section 17 or 18, without delay and in any event not more than 20

business days after receiving it, unless the time limit for responding is extended under section 23.

[7] It is clear the Town did not provide its final response to the access request within the time required by section 16 of the Act. As of July 14th, 2026 it is now 101 business days since the Complainant submitted their request to the Town and they have still not yet received a response.

[8] Under section 13(1) of the Act, 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.

[9] As the Town did not acknowledge receipt of the access request or provide its final response within the time required the Town has also failed to meet its duty to assist the applicant and to respond without delay.

[10] While this Office is mindful of the fact that small public bodies such as the Town of Main Brook may have resource challenges from time to time, the Town is still required to comply with the Act. Furthermore, significant time has now elapsed since the request was filed, and the Town's non-compliance is ongoing as of the issuance of this Report. The provincial ATIPP Office has produced resources for municipalities, including a Guide for Municipalities which provides guidance to municipalities with respect to the duty to assist, applying for extensions of time, and the availability of the ATIPP Office to assist municipalities. The ATIPP Office's guide reflects the position of this Office on these subjects.

RECOMMENDATIONS

[11] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Town of Main Brook:

1. Release the records to the Complainant, less any necessary redactions, without further delay, and no later than 20 business days after receipt of this Report,

2. Comply in the future with the statutory duties imposed upon it by sections 13 and 16 of the Act,
3. Apply for extensions of time where appropriate and as soon as it becomes evident a request cannot be processed within the 20 business days provided by the Act, and
4. Within 60 business days of receipt of this Report, make arrangements for training from the provincial ATIPP Office about the statutory requirements and procedures for responding to access to information requests and complaints for the Head of the Public Body, the ATIPP Coordinator, and any other staff who may be involved in processing access to information requests.

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

[13] Dated at St. John's, in the Province of Newfoundland and Labrador, this 14th day of July 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador