



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-019

August 3, 2026

Town of Grand Falls-Windsor

Summary:

The Complainant submitted a request to the Town of Grand Falls-Windsor seeking information related to complaints they had filed with the Town, Municipal Enforcement Officers' qualifications, and declarations of relationships between Town staff and another party to the complaints. The Town provided responsive records to the Complainant but withheld the Officers' qualifications under section 40 of the **Access to Information and Protection of Privacy Act, 2015**. The Complainant believed that additional records ought to exist and disputed the Town's application of section 40. The Commissioner accepted that the Town conducted a reasonable search for records and that it appropriately applied section 40 of the Act, recommending that the Town continue to withhold personal information.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 9, 13, and 40(4)(c).

BACKGROUND

- [1] The Complainant made a request to the Town of Grand Falls-Windsor under the **Access to Information and Protection of Privacy Act, 2015** for information, including:
- records from the Town's Municipal Enforcement office regarding an ongoing issue they have made complaints (the Complaints) to the Town about;
 - Municipal Enforcement Officers' qualifications; and
 - declarations of relationships between Town staff and another individual who is a party to the Complaints.
- [2] The Town released responsive records and withheld some information under section 40. The Complainant filed a complaint alleging that additional records must exist and disputing the Town's decision to withhold information about employee qualifications.
- [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 Town indicated that the Chief of Police/Manager of the Municipal Police Force conducted the search for responsive records and described where he conducted the search. Beyond the responsive records provided to the Complainant, he confirmed that there were no additional records because Municipal Enforcement determined that the issue referenced by the Complainant did not require enforcement action.
- [5] Regarding the section 40 redactions, the Town maintained its position that, "disclosure of personal qualification information could constitute an unreasonable invasion of the employees' personal privacy", per section 40(4)(c) of the Act, viewing this information as the employees' educational histories. The Town did, however, decide to provide the Complainant with the relevant job descriptions, which state the required qualifications for each position. When it provided these descriptions to the Complainant, it further confirmed that the Town's

Review Committee deemed each successful candidate as qualified in accordance with the requirements of the job descriptions.

COMPLAINANT'S POSITION

- [6] The Complainant believes that additional records exist or ought to exist and questioned how appropriately the Town conducted its processes and applied its bylaws.
- [7] The Complainant further stated that the public must have access to Municipal Enforcement's Officers qualifications, such as certifications, credentials, etc., in order to know whether they, "are properly qualified and certified to perform these specific duties". They claimed that the public interest in having access to this information outweighs the necessity of protecting the employees' privacy.
- [8] The Complainant asserted that there is a conflict of interest and reasonable apprehension of bias regarding disputes they are having with the Town and another party to the Complaints given that a close family relative of the other party works for the Town. They claimed that the other party receives preferential treatment.

ISSUES

- [9] The issues to determine are:
- i. whether the Town met its duty to assist, per section 13 of the Act, by conducting a reasonable search; and
 - ii. whether the Town appropriately applied section 40 of the Act.

DECISION

- [10] Based on the Town's description of the search it conducted, we find that the Town conducted a reasonable search for records and that it has met its duty to assist under section 13 of the Act.

[11] Regarding the section 40 redactions, we find that releasing information regarding an employee's training or educational history would be a breach of privacy that section 40(4)(c) is specifically designed to protect:

40.(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

...

(c) the personal information relates to employment or educational history

[12] In terms of the Complainant's allegations of a conflict of interest or reasonable apprehension of bias, it is outside our jurisdiction to determine whether an individual has received preferential treatment from the Town. As it relates specifically to the request and complaint at hand, we have no evidence to suggest that this individual's relative was involved with responding to the Complainant's initial request for records or subsequent complaint. The Town confirmed that the Chief of Police/Manager of the Municipal Police Force was primarily responsible for the search, and that the Town ATIPP Coordinator and Deputy Town Clerk reviewed the search and then responded to this complaint. None of these individuals are the relative in question.

RECOMMENDATIONS

[13] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Town of Grand Falls-Windsor maintain its position on this matter and continue to withhold its employees' personal information under section 40 of the Act.

[14] 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 Grand Falls-Windsor must give written notice of his, her, or their decision with respect to these recommendations to the Commissioner and any person who was sent a copy of this Report within ten business days of receiving this Report.

[15] Dated at St. John's, in the Province of Newfoundland and Labrador, this 3rd day of August 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador