



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-020

August 6, 2026

Town of Victoria

Summary:

The Complainant made an access request to the Town of Victoria for the leave of absence records of a Town employee for a specified period. The Town refused to disclose this information under section 40 of the **Access to Information and Protection of Privacy Act, 2015**, claiming that this is personal information. The Commissioner agreed with the Town's conclusion and recommended that it continue to withhold the information.

Statutes Cited:

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

Authorities Relied On: Ombud New Brunswick Report [2012-671-AP-339](#).

British Columbia Information and Privacy Commissioner Orders [F14-56](#) and [F15-59](#).

BACKGROUND

- [1] The Complainant submitted a request to the Town of Victoria for the leave of absence records of a Town employee for a specified period. They indicated they were not seeking the reasons for the absences, but wanted the number of absent days per calendar year and the total number of absent days for the specified period.
- [2] The Town denied access to this information under section 40 of the **Access to Information and Protection of Privacy Act, 2015**, which is a mandatory exception to the right of access where the disclosure of personal information would be an unreasonable invasion of privacy.
- [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 states that providing this information would be a breach of the employee's privacy. It advises that only one staff person occupies the position held by the employee in question. To release this information would allow anyone familiar with this small Town to easily identify the individual in question and attribute the number of days' leave to this individual.

COMPLAINANT'S POSITION

- [5] The Complainant does not believe that releasing the number of days an employee is absent from their position is an unreasonable invasion of privacy. They rely on section 40(2)(f) of the Act:

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

...

- (f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff

- [6] They state, “Attendance totals, without reasons, are an operational metric related to the performance of a public function, not intimate biographical detail”.

ISSUE

- [7] Whether the Town appropriately applied section 40 of the Act.

DECISION

- [8] Other jurisdictions throughout Canada have reported on this issue, and there is a consistent approach of viewing this type of information as falling into a category of personal information that should not be disclosed.

- [9] In [Report 2012-671-AP-339](#) at paragraph 45, the Ombud New Brunswick Office reported:

We agree that the employee numbers of employees of the Department and their leave information are proper redactions as they represent on the one part, unique identifying details and personal leave information for human resources’ employment purposes. This type of personal information is not deemed to be that which can be released, as opposed to that regarding the name of the employee, his or her position and salary range which are types of personal information which are.

- [10] In [Order F14-56](#) at paragraphs 46-50, the British Columbia Information and Privacy Commissioner’s Office reached a similar conclusion. The Adjudicator reported, “the information is clearly personal information because it is about a named employee’s leave ... the Ministry is required to continue to withhold this information”.

- [11] The British Columbia Office maintained a consistent approach in [Order F15-59](#) at paragraphs 64-68. The Adjudicator stated that there is, “a presumption against disclosing information about an employee’s leave because it relates to their employment history”.

- [12] I agree with the Town that employee leave is protected personal information, as it relates to an individual’s employment history per [section 40\(4\)\(c\) of the Access to Information and Protection of Privacy Act, 2015](#):

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

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 Victoria continue to withhold the requested 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 Victoria 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 6th day of August 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador