



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-026

September 8, 2026

Public Service Commission

Summary:

The Complainant made a request to the Public Service Commission for records regarding the vacation of the Office of the Deputy Chief Executive Officer and the appointment of the current Deputy Chief Executive Officer with the Labour Relations Board, including their job description, consultations, nominations, assessments, and approvals. The Public Service Commission provided responsive records, withholding information under section 32 (confidential evaluations) of the **Access to Information and Protection of Privacy Act, 2015**. The Commissioner found the exception had been properly applied and recommended the Public Service Commission continue to withhold the information.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 9 and 32.

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

BACKGROUND

- [1] The Complainant submitted a request to the Public Service Commission under the **Access to Information and Protection of Privacy Act, 2015** (the “Act”), seeking records regarding the vacation of the Office of the Deputy Chief Executive Officer and the appointment of the current Deputy Chief Executive Officer with the Labour Relations Board, including their job description, consultations, nominations, assessments, and approvals.
- [2] The Public Service Commission responded by providing partial access to the records, withholding information under section 32 (confidential evaluations). The Complainant proceeded to file a complaint with this 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 public body maintains that it appropriately withheld information under section 32(a).

COMPLAINANT’S POSITION

- [5] The Complainant argues the public body improperly applied section 32 to the records. In addition, the Complainant raised section 9, (public interest override).

ISSUES

- [6] At issue for this Report is whether the public body properly applied section 32 of the Act.

DECISION

Section 32

- [7] Section 32(a) of the Act states:

32. The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material, provided explicitly or implicitly in confidence, and compiled for the purpose of

- (a) determining suitability, eligibility or qualifications for employment or for the awarding of contracts or other benefits by a public body

[8] When determining whether information would be considered a confidential evaluation under section 32, a three-part test should be considered. As stated in Report [A-2014-014](#):

The Alberta OIPC has established a three-part test in relation to its confidential evaluations section . . . the test is as follows:

- 1. The information must be personal information that is evaluative or opinion material;
- 2. The personal information must be compiled solely for one of the following purposes:
 - a. Determining the applicant's suitability, eligibility or qualifications for employment, or
 - b. Awarding a government contract, or
 - c. Awarding other benefits;
- 3. The personal information must be provided, explicitly or implicitly, in confidence

[9] The records at issue pertain to the hiring process for the Deputy Chief Executive Officer of the Labour Relations Board. The withheld records include personal, confidential evaluations and assessments of the applicants who applied for the position.

[10] During the informal resolution stage, this Office recommended some information, previously withheld under section 32, be released. It was determined that this information was not personal information which was evaluative or opinion material, was not compiled for determining applicant's suitability, nor was it provided in confidence. The public body was agreeable to this and released the information.

[11] The remainder of the information to which section 32 was applied was determined to have met the three-part test, and it was recommended the public body continue to withhold the information.

Section 9 – Public Interest Override

- [12] The Complainant argued that the information at issue is of public interest noting that the applicant for the position of Deputy Chief Executive Officer is a political appointee of the previous government and the public is entitled to know how a political appointee was able to regularize their employment.
- [13] Having reviewed the records this Office can confirm that the withheld information does not speak to this topic. Furthermore, the records contain large amounts of personal information and it would not be in the public interest to release information that would reveal substantial personal information of both the successful and unsuccessful candidates for the position.

RECOMMENDATIONS

- [14] Under the authority of section 47 of the Access to Information and Protection of Privacy Act, 2015, I recommend that the Public Service Commission maintain its position on this matter and continue to withhold the information pursuant to section 32.
- [15] As set out in section 49(1)(b) of the **Access to Information and Protection of Privacy Act, 2015**, the head of the Public Service Commission 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.
- [16] Dated at St. John's, in the Province of Newfoundland and Labrador, this 8th day of September 2026.



Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador