OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
NEWFOUNDLAND AND LABRADOR

Report A-2026-034

October 19, 2026

Department of Finance

Summary: The Complainant made a request under the **Access to Information and Protection of Privacy Act, 2015** to the Department of Finance for records related to the Conception Bay North Wildfires. Finance provided one record and a link to another publicly available record. One piece of information was withheld under section 40 (disclosure harmful to personal privacy). The Complainant was not satisfied with this response, asserting that additional records should exist and that the Department did not conduct an adequate search. The Commissioner determined that the Department had met its duty to assist by conducting a reasonable search for records, and that the information withheld was done in accordance with ATIPPA, 2015.

Statutes Cited: Access to Information and Protection of Privacy Act, 2015, SNL 2015, c A-1.2, section 13, 22 and 40.

Authorities Relied On: NL OIPC Reports A-2023-026, A-2025-010

BACKGROUND

[1] The Complainant made a request under the **Access to Information and Protection of Privacy Act, 2015** (the "**Act**") to the Department of Finance ("the **Department**"), seeking various records related to the Conception Bay North Wildfires. The request can be summarized as:

> I am seeking to understand the total funds available for the 2025 CBN wildfire recovery, from all sources; how they were distributed and to whom; whether any body holds a consolidated accounting of all money raised and spent regardless of source; and whether the recovery was ever subject to a hard funding cap that would justify rationing support by primary/secondary classification. I am seeking primarily factual and financial records, the final funding decisions as made, and the reasons given for them.

[2] The Department released one record in part, severing the signature of the Deputy Minister from a letter under section 40(1), and providing a link to the 2026 Budget Speech. The Complainant was not satisfied with this response, in particular the Complainant asserted that they believe additional responsive records should have been located and provided. They therefore filed 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.

ISSUES

[4] The main issue to be addressed in this Report is whether the Department met its duty to assist the Complainant pursuant to section 13(1) of ATIPPA, 2015.

DECISION

Section 13(1) – Duty to Assist

[5] A public body's duty to assist has three components:

1. the public body must assist an applicant in the early stages of making a request,
2. it must conduct a reasonable search for the requested records, and

3. it must respond to the applicant in an open, accurate, and complete manner.

[6] As this Office has stated in numerous reports, the duty to assist is a fundamental component of the access to information process. A key part of the duty to assist is ensuring that the public body conducts a reasonable search for responsive records based on the applicant's request. A public body's search does not have to be perfect, but a reasonable effort must be made to locate responsive records.

[7] What constitutes a reasonable search has also been explained by the OIPC in many past reports, such as A-2025-010. In that decision, a reasonable search involved reaching out to relevant subject-matter experts to help identify potential locations of responsive records, while also conducting key word searches of emails, servers, and physical records. Such a search should be conducted under the supervision of the ATIPP coordinator.

[8] The issue in this matter is whether the public body responded in a complete manner to the Complainant's request for information by conducting a reasonable search.

[9] The Complainant was concerned that the initial search for records may not have fully captured all areas of the request, namely that there should be records relating to the decision-making processes and financial records regarding the wildfires and was not satisfied that none were provided.

[10] To ensure a complete search, at the suggestion of this Office, the parameters of the original search were broadened. The Department conducted additional searches of its internal email accounts and records management system using updated keywords with a broad time frame. The searches did not yield any additional responsive records.

[11] The Complainant was still not satisfied and insisted that the Department's response to the OIPC be provided to them with their submission on search terms and expanded search terms. The purpose of obtaining submissions and evidence is to allow the Commissioner to determine whether the statutory requirements of the Act have or have not been met. The

public body is required to satisfy the Commissioner, not the complainant, by supporting its position with evidence through submissions to this Office.

[12] Once a search has been assessed by this Office as being a reasonable search it is then that the burden switches to the Complainant to provide sufficient evidence to support a finding that the public body either failed to locate responsive records in its custody or control or is withholding records. Examples may include but are not limited to having been the original author of the record, having had possession or having previously seen the record, or media reports regarding the existence of the document.

[13] From my review of the Department's submissions, I am satisfied that a reasonable search for responsive records was conducted. One further aspect of the search we inquired into is related to the fact that the Minister of Finance served as Chair of the CBN Response and Recovery Committee. When we asked about records of that Committee, the Department explained that the Department of Forestry, Agriculture, and Lands (FAL) carries out the administrative functions of that Committee, therefore any records associated with the work of that Committee would be held by that Department, rather than Finance. While the Complainant was expecting that additional records should exist, our conclusion is that either such records may not have been created in the first place, or if they do exist, that they are in the control or custody of another public body.

Section 40

[14] The Department's final response letter to the Complainant withheld one small piece of information under section 40, which is the signature of the Deputy Minister for the Department of Finance. The Department advises that the Deputy Minister's signature is not publicly available, and the name of the Deputy Minister was not withheld. The signature itself adds nothing to the value of the information disclosed, and its disclosure would amount to an unreasonable invasion of privacy. The Department's redaction is therefore appropriate.

Section 22

[15] Under section 22(1)(a) the Department refused to provide the actual record but provided a link to the 2026 budget speech acknowledging that it was responsive to the Complainant's

request and publicly available. Section 22(1)(a) clearly authorizes a public body to refuse to disclose information that is published and available to the public, and we find in this case that the information is published online and available to the public.

[16] Considering the reasonable search of the Department and the lack of evidence to support the Complainant's claim that additional records exist and were not disclosed, this Office finds that the Department met its duty to assist the Complainant.

RECOMMENDATIONS

[17] Under the authority of section 47 of the **Access to Information and Protection of Privacy Act, 2015**, I recommend that the Department of Finance maintain its position on this matter.

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

[19] Dated at St. John's, in the Province of Newfoundland and Labrador, this 19th day of October 2026.

Kerry Hatfield
Information and Privacy Commissioner
Newfoundland and Labrador