

**THE NOVA SCOTIA FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT
(MUNICIPAL)**

A REQUEST FOR REVIEW of a decision of the **HALIFAX REGIONAL POLICE** to refuse to disclose documents related to an official police report of a traffic accident.

REVIEW OFFICER: Darce Fardy

DATE: July 16, 2002

ISSUE: Whether the decision of the Halifax Regional Police to refuse to disclose documents related to a traffic accident investigation, except for the official report, is appropriate.

In a Request for Review under the **Municipal Freedom of Information and Protection of Privacy Act** (Part XX of the *Municipal Government Act*), dated May 2, 2002, the Applicant asked that I recommend to the Halifax Regional Police (HRP) that it disclose a police report and all notes, measurements and diagrams done by officers investigating a traffic accident.

In response to the application the HRP agreed to provide the Applicant with a copy of the report but denied the other documents. They cited section 98(6) and (7) of the *Motor Vehicle Act*. Section 98(6) prevails over the **Municipal Freedom of Information and Protection of Privacy Act** (see Section 464A(2)(k) of the *Municipal Government Act*).

Section 98 of the *Motor Vehicle Act* deals with traffic accidents and the obligation of the police who investigate them to prepare a report for the Registrar of Motor Vehicles. Section 98(6) says these reports shall not be open to public inspection. Section 98(7) makes an exception

for an authorized insurance company, solicitor or agent “where a person or an insurance company has paid or may be liable to pay for damages resulting from an accident. . . .” The Applicant is an insurance broker.

Access to the accident report is provided to the insurance company for the purpose of obtaining specific information which is listed in section 98(7) of the *Motor Vehicle Act*:

- (a) the date, time, and place of the accident;
- (b) the identification of vehicles involved in the accident;
- (c) the name and addresses of any parties to, or involved in, the accident;
- (d) the names and addresses of witnesses to the accident;
- (e) the names and addresses of persons or bodies to whom the report was made;
- (f) the names and addresses of any police officer who investigated the accident;
- (g) the weather and highway conditions at the time of the accident;
- (h) the estimate of the damage to any vehicle involved in the accident.

All of this information is contained in the report provided to the Applicant.

Given that Part XX of the *Municipal Government Act* does not apply to section 98(6) of the *Motor Vehicle Act* and that section 98(7) appears to limit the information that the police can disclose about a traffic accident, I am satisfied that the HRP acted appropriately in refusing to disclose more than it has.

Recommendation:

That the HRP write to the Applicant confirming its decision not to disclose more information about the traffic accident.

Section 493 requires the HRP to make a decision on this recommendation within 30 days of receiving it and to notify the Applicant and the Review Office, in writing, of the decision.

DATED July 16, 2002, in Halifax, Nova Scotia

Darce Fardy, Review Officer