

**THE MUNICIPAL GOVERNMENT FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT**

A REQUEST FOR REVIEW of a decision of the **SPRINGHILL BOARD OF POLICE COMMISSIONERS** to refuse to disclose a copy of an investigation report following a complaint against the Acting Chief of Police.

REVIEW OFFICER: **Darce Fardy**

DATE: **August 29, 2002**

ISSUE: Whether disclosing the investigation would interfere with law enforcement and be exempt from disclosure under **Section 475(1)(b)** of the **Act**.

In a Request for Review under the **Municipal Government Freedom of Information and Protection of Privacy Act (Part XX of the M.G.A)**, dated July 2, 2002, the Applicant asked that I recommend to the Springhill Board of Police Commissioners that it reverse its decision to deny access to an investigation report.

The Applicant had filed a complaint against the Acting Police Chief of Springhill. It was investigated by the Truro Police Chief who prepared a written report for the Springhill Police Commission. The Applicant asked for a copy of the report and copies of witness statements as well as the minutes from the Police Commission meeting which discussed the complaint and the report.

The Commission turned down the request, citing an exemption under **Section 475(1)(a)** of the **Act** which allows a municipal body to refuse to disclose information if disclosure could result in harm to law enforcement.

During this Office's mediation process, the Commission agreed to provide copies of the minutes of its meeting. The Truro Police Chief's report to the Commission did not include written witness statements. The only document in dispute is the two-page report.

The Commission, in a representation to this Review, said it cited "harm to law enforcement" because the Applicant had also taken her complaint to the Nova Scotia Police Commission which is investigating. The Springhill Commission felt that disclosing the Report would interfere with the investigation of the Nova Scotia Police Commission.

Conclusions:

During this Review I contacted the Nova Scotia Police Commission and was told that releasing the report of the Truro Police Chief to the Applicant would have no affect on its own investigation. Consequently I have concluded that **s.475(1)(a)** does not support the decision to deny access to the report.

While the Springhill Commission did not cite privacy concerns I have considered this because a municipal body is obliged to protect individuals against "an unreasonable invasion" of their privacy (**s.480**). While names are mentioned in the report it is my view that disclosing the names would not constitute an unreasonable invasion of their personal privacy.

Recommendation:

That the Springhill Police Commission disclose the report to the Applicant.

Section 493 of the **Act** requires a municipal body to make a decision on this recommendation within thirty days of receiving the report and to notify the Applicant and the Review Officer, in writing, of the decision.

DATED this 29th day of August, 2002, in Halifax, Nova Scotia.

Darce Fardy, Review Officer