

NUNAVUT INFORMATION AND PRIVACY COMMISSIONER

Review Decision 03-06
February 28, 2003
Review File: 02-271-5

A. BACKGROUND

By faxed memorandum dated October 10th, 2002, the Applicant requested from Carmen Levi, apparently an employee of the Government of Nunavut, copies of

“any and all records relating to your communications with the Department of Education, Labour Relations Division, Risk Management, and the Federation of Nunavut Teachers”

The request was responded to by the Department of Human Resources on October 30th, 2002 and five (5) pages of records were provided. Some information in one of the records was edited and parts of it severed from the information provided to the Applicant. An explanation was provided to the Applicant for each of the items that was severed. By letter dated November 17th, 2002, the Applicant asked that I review the department’s “failure to disclose documents”. I took this as a request that I review the Department’s decision to sever certain parts of the records which were provided in response to his request. The Department was asked to provide their explanation and copies of the records in both edited and unedited form so that I could complete my review. The Department’s submissions were received on December 5th, 2002. A copy of those submissions was provided to the Applicant on January 13th and he was given the opportunity to respond and reply to the Department’s submissions by January 31st. On February 3rd, the date for the Applicant’s response was extended to February 14th. The Applicant chose not to respond.

B. ISSUES AND DISCUSSION

The document in question is a one page excerpt from the desk diary of an employee of the Government of Nunavut by the name of Carmen Levi for the day Thursday, April

18th, 2002. In the copy provided to the Applicant, all of the entries in the journal have been edited but for one reference to the Applicant.

I have had the benefit of reviewing unedited version of the desk diary page in full. In addition to the reference to the Applicant, there appear to be eight (8) other entries on the page. Of those, the Department claims that none of the other entries are responsive to the Applicant's request for information. For three of the entries, the Department also takes the position that the entries relate to third party individuals and that the disclosure of those entries would be an unreasonable invasion of those individual's privacy.

Upon my review of the record in question, it is clear that, other than the information which the Applicant has been provided with, none of the other information on the page is responsive to his request for information. The page appears to be a running list of issues dealt with by the employee on the date in question. There is one reference to the Applicant. That reference has been provided to him. None of the other entries on the page have anything to do with the Respondent and they are not in any way responsive to the Applicant's request. In light of the nature of the record in question, it is my opinion that the Department was correct in severing those items which were not responsive to the Applicant's request.

C. RECOMMENDATION

Having reviewed the record in question, it is my opinion that the Department properly severed those entries in the desk diary of Carmen Levi which did not relate to the Applicant and were, therefore, not responsive to his request for information. I recommend that the Head of the Public Body take no further steps with respect to the Applicant's request for information.

Elaine Keenan Bengts
Nunavut Information and Privacy Commissioner