



## **F08-01-MS Health Authority Demands Proof of Law Enforcement Status**

A conservation officer sent an email to a health authority requesting information from a health inspector who had initially attended the scene of a raw sewage spill. The conservation officer was conducting a separate investigation under section 6(4) of the *Environmental Management Act*, which makes it illegal to “introduce waste into the environment in such a manner as to cause pollution”. The health inspector refused to provide the information directly and told the conservation officer to submit an FOI request.

The conservation officer did so, but when he received the records much of the personal information, in the form of names and contact information of individuals, had been withheld under section 22 of the *Freedom of Information and Protection of Privacy Act*. Section 22 requires public bodies to not disclose personal information of a third party if the disclosure would be an unreasonable invasion of the third party’s personal privacy. The conservation officer then asked our office to review the health authority’s decision, stating he was authorized to receive the information under of section 33.2(i) of FIPPA.

The applicant was correct in identifying section 33.2(i) as the authority for the public body to disclose the information to a law enforcement body in Canada. This section authorizes such a disclosure to assist in a specific investigation, undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. However, the onus was on the applicant to satisfy the public body that he represented a law enforcement agency in making the FOI request and that the information was being sought to further an investigation into a breach of the law.

In an effort to mediate the dispute and avoid the need for a formal inquiry, we contacted the health authority and discussed the application of section 33.1(i). The health authority agreed that, if it received satisfactory documentation from the applicant describing his authority as a law enforcement officer and the investigation he was conducting, it would disclose the records in their entirety. The applicant re-submitted his request with the required information and received the records without severing.

The public body was simply being diligent in protecting personal information under its control or in its custody. The case was a useful reminder that applicants should thoroughly review their requests for records before submitting them to ensure that they have provided public bodies with all the information they require. By doing so, applicants are more likely to receive the records in a timely fashion without the need for our office’s involvement.