

NOVA SCOTIA COURT OF APPEAL

Citation: A.B. v. Griffiths, 2009 NSCA 48

Date: 20090514

Docket: CA 296736

Registry: Halifax

Between:

A.B. and C.D. and Sixty (60) Other Individuals

Appellants

v.

Tom Griffiths and Nova Scotia Department of Education

Respondents

Judge: The Honourable Justice Linda Lee Oland

Appeal Heard: February 18, 2009

Subject: Section 20 *Freedom of Information and Protection of Privacy Act*, S.N.S. 1993, c. 5, confidentiality, unreasonable invasion of privacy, employment or educational history

Summary: The Chambers judge found that the disclosure of a list of the names of persons who currently hold a certificate of qualification or apprenticeship under the *Apprenticeship and Trades Qualifications Act*, S.N.S. 2003, c. 1 was not an unreasonable invasion of the third parties' privacy contrary to the *Freedom of Information and Protection of Privacy Act*, S.N.S. 1993, c. 5. The appellants, whose names appear on that list, appeal.

Issues: Whether the Chambers judge erred in holding that the names were not supplied in confidence, in finding that the applicant satisfied the burden of proving that the disclosure of the list would not be an unreasonable infringement of a third party's personal privacy, and in determining that the personal information relates to employment or educational history.

Result: Appeal dismissed. While the Department of Education which

has custody and control of the list of names treats it as confidential, there was no evidence that the persons who obtained qualification supplied their names in confidence. The Chambers judge erred in his interpretation of employment or education history. Consequently, no presumption of unreasonable invasion of privacy arose for consideration in balancing all of the relevant considerations. The Chambers judge committed no reviewable error in directing disclosure of the list of names

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 17 pages.