



Royal Newfoundland Constabulary
Building Safe and Healthy Communities Together

BY EMAIL

October 9, 2026

Keri-Lynn Power, LLB (Hons), LLM
2nd Floor, Beothuck Building
20 Crosbie Place
St. John's, NL
A1B 3Y8

Email: ATIPPAReview@gov.nl.ca.

Re: Royal Newfoundland Constabulary Submission to the *Access to Information and Protection of Privacy Act* Statutory Review 2025 Committee

On July 15, 2026, the Royal Newfoundland Constabulary (RNC) was invited to provide a submission to your committee regarding the provisions and operation of the *Access to Information and Protection of Privacy Act, 2015* as it relates to the RNC.

Through consultation with our current ATIPP coordinators and members of my Executive and Legal team, the Royal Newfoundland Constabulary would like to provide the attached submission for your review.

If you have any questions related to this submission, please feel free to contact myself or you may contact the RNC's Access to Information and Protection of Privacy Coordinator, Ms. Makenzie Puddicombe, by telephone at 709-729-8524, or by email at RNCATIPP@rnc.gov.nl.ca.

Sincerely,

Patrick R. Roche
Chief of Police
Royal Newfoundland Constabulary



October 9, 2026

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1.0 General Overview

1.1 Access to Information & Protection of Privacy at the Royal Newfoundland Constabulary

As a public body subject to the *Access to Information and Protection of Privacy Act, 2015* (the *Act*), the Royal Newfoundland Constabulary (RNC) processes a significant volume of access to information requests each year from a diverse range of applicants, including members of the public, legal firms, insurance companies, media, and other organizations. As one of more than 450 public bodies subject to the legislation, the RNC has consistently ranked amongst the public bodies processing the highest volume of access to information requests for the last several years.

The Royal Newfoundland Constabulary is committed to transparency and accountability. However, given the nature of policing, the RNC routinely manages not only records like that of many other public bodies, but records that are highly diverse and sensitive, often involving or related to personal information, criminal investigations, law enforcement operations, public safety matters, judicial prosecutions and legally privileged information. As a result, each request requires careful analysis and review to balance both a person's right to know, while still protecting the privacy of others, as well as public and officer safety, criminal and judicial matters.

From January 1, 2021, to October 9, 2026, the RNC received a total of (1849) access to information requests demonstrating both the increasing public demand for information and the substantial administrative responsibilities associated with access to information and privacy protection processes within a policing environment. Since 2022, the RNC has experienced a consistent year over year increase in access to information requests and 2026 is currently on track to surpass 2025 as the RNC's busiest year to date. The 370 requests received so far this year by the RNC has accounted for approximately 26 per

cent of all access to information requests received by public bodies in Newfoundland and Labrador.

The complexity of RNC records, combined with the volume of requests received, creates a demanding workload that requires dedicated resources. Requests frequently involve extensive records searches, consultations with operational units (sworn members and civilian members), legal consultation, and more to ensure appropriate application of legislative exemptions. The responsibilities listed above, must be balanced with the RNC's commitment to meeting statutory timelines and providing access to information whenever possible, in a timely and secure manner.

To achieve this, the Royal Newfoundland Constabulary has added one full-time civilian ATIPP Coordinator since the previous statutory review who is dedicated to both access to information and the protection of privacy. The coordinator is supported in their absence by a backup Coordinator, whose ATIPP-related responsibilities are a secondary duty within the RNC.

2.0 2020 ATIPPA Statutory Review

2.1 2020 Royal Newfoundland Constabulary Submission

In November 2020, the Royal Newfoundland Constabulary was privileged to be able to put forward a submission to the Statutory Review Committee outlining several areas of concern and suggestions that the RNC had with the legislation as it existed. Although a number of these recommendations were accepted, they have not yet been implemented. As such, many of the items in the RNC's 2020 submission remain true today and have been amplified by the increase in requests for information received. The RNC also attended a public hearing on January 20, 2021, to further detail these concerns and answer questions from the Statutory Review Committee to help form the recommendations that were put forward by the Commissioner as part of that review.

2.2 Previous Areas of Concern Highlighted by the RNC

As a part of the 2025 submission, the RNC wishes to reiterate some select areas of concern that the RNC highlighted in the 2020 submission.

2.2.1 Screening of Access to Information Applicants

In the 2020 submission, the RNC brought forward concerns regarding the screening of access to information applicants. As previously mentioned, the RNC holds very sensitive information as part of its routine operations. Personal information held by the RNC can include information related to criminal complaints, criminal histories, medical information including mental health and wellness information, domestic issues including intimate partner violence history, financial information, law enforcement intelligence as well as information pertaining to judicial processes and ongoing court proceedings. This type of information can easily be considered harmful to both personal privacy, safety and law enforcement procedures if the information is not properly protected and disclosed inappropriately. A very large portion of the requests received by the RNC are for personal information. Often for any number of reasons, the Royal Newfoundland Constabulary will receive requests for police files in which the applicant is mentioned within the record along with multiple other individuals. Almost no RNC file involves one single person. The RNC has adopted the process of requesting a copy of a photo ID or proof of authority from the requestor as identity verification and authority to obtain information. The RNC then uses the information provided on a photo ID and cross-references it with the information on the records held by the RNC, as well as within the request itself, as a reasonable assurance that the person applying for the information is the person the information is about, or that the RNC has received a duly executed proof of authority. However, these requirements are not currently set in legislation and should be enhanced. While the RNC has its own process in place, we wish to make the following recommendations.

Recommendation:

- a. *The RNC recommends that requirements for applicant verification be added to the Act and the following recommendations from the 2020 Statutory Review be adopted:*
 - a. *Require the full name and contact information of the applicant for all requests. [Appendix K, s. 11(2)(a.1)]*
 - b. *Make it clear that the anonymity of an applicant continues to apply following the final response to the applicant. [Appendix K, s. 12(4)]*
 - c. *Provide that within 5 days of receiving a request, public bodies may ask for identity verification (for personal information requests) or clarification of the request, and applicants must respond within 30 days, or their request will be considered abandoned. [Appendix K, s. 11.1]*
 - d. *Stop the clock on time limits for final responses while waiting for an applicant's response to a request for clarification or identity verification. [Appendix K, s. 11.1(3)]*

2.2.2 Timeline Extensions

The RNC works diligently to process Access to Information and Protection of Privacy requests in a timely manner. The *Act* requires that a public body provide an advisory response within 10 business days and a final response within 20 business days of receiving an access to information request. For a large portion of requests, the RNC has been able to meet these deadlines, with many final responses provided before the advisory response date. However, occasionally the nature of an access to information request, coupled with RNC operations and complexity, can result in the initial review and processing taking a considerable amount of time.

Section 23 of the *Act* allows the head of a public body, no later than 15 business days after receiving a request, to apply to the Office of the Information and Privacy

Commissioner (OIPC) to extend the time for responding to the request. While this is generally sufficient for RNC purposes and extensions are rarely needed, we have seen an increase in the requirement to obtain them. There have been incidents in the past where the need for an extension was identified subsequent to business day 15. There are numerous factors at the RNC that can cause delays in access to information request processing. These include, but are not limited to, identifying large numbers of additional records responsive to the request after the extension request deadline, late responses on required consultations, officers working shift work making obtaining information more difficult and less timely, officer requirement to prioritize emergency services while on shift over administrative tasks, and the review of records identifying additional areas of concern such as information that is harmful to law enforcement, safety, and ongoing investigations.

Unfortunately, processing an access to information request is not limited to the ATIPP Coordinator simply obtaining the records on their own and reviewing them for the exceptions to disclosure and releasing the information. There are several steps and key people involved in processing certain types of requests at the RNC. In instances such as the ones listed, the processing time can be insufficient and at times it is not known until very near the deadline if the timeline can be met or not. As a result, the RNC wishes to reiterate a previous recommendation from their 2020 Statutory Review submission.

Recommendation:

- a. *The RNC recommends that ATIPPA, 2015 be updated to better allow for the extension of response times only where unique and justified circumstances exist after business day 15.*

2.2.3 Clearer Definitions of Custody and Control

As with many public bodies, there are integrated programs and processes that require the flow of information between entities on a routine basis to accomplish the required work. This is prevalent in policing as the RNC regularly works with other public bodies such as NL Health Services, the Office of the Chief Medical Examiner, other Government Departments, the Royal Canadian Mounted Police, municipalities within RNC jurisdiction, other law enforcement agencies, and more.

Sometimes information is gathered, generated, and shared as a joint effort between two or more public bodies, other times information is shared between them as part of integrated programs for law enforcement purposes. When access to information requests are made, the request should be made to either the public body that has custody and control of the documents, or transferred to the appropriate body that has that custody and control.

However, on occasion it is not always clear, after factors have been considered, who has custody and control of the responsive records and is best equipped to apply the *Act*. An incorrect assumption of custody and control could result in information being released inaccurately or inappropriately. As a result, the RNC wishes to reiterate its previous recommendation from the 2020 Statutory review.

Recommendation:

- a. The RNC recommends that ATIPPA, 2015 be updated to better define and determine accurate custody and control of responsive records to include a clear and definitive decision process when custody and/or control of a record remains unclear.*

2.2.4 Base Fees and Updates to Cost Schedule

As the legislation is currently written, an access request for information can be made for free until the first 10 hours of locating a record for a local government body and the first 15 hours for another public body. While the RNC's ATIPP Coordinator processes a high number of access to information requests, there may be multiple other employees involved in a single request and search for records at once. While a cost schedule does exist, it is not currently used within the RNC. Other costs to the public body, in this case the RNC, include but are not limited to, use of information technology assets, printing resources, and office supplies. An access to information request starts to draw down on a public body's resources immediately after an access to information request is received. Many requests received by the RNC are completed in less time than is outlined in the cost schedule, resulting in the RNC being unable to charge a modest fee for service for most access requests.

Additionally, other government records that are routinely accessible through other processes such as Certificate of Conducts and Vehicle Collision Reports are only obtainable from the appropriate Government Department where a fee is required to be paid to obtain the information regardless of the time needed to process. The implementation of an enhanced base fee structure for access to information requests would align with other access to information processes in other jurisdictions. As a result, the RNC wishes to reiterate its previous recommendation from the 2020 Statutory review.

Recommendation:

- a. It is recommended by the RNC that a standard base fee for access requests be implemented in legislation to help offset the significant strains that are sometimes endured by a public body in administering the Act. Additional costs may be added as seen appropriate by the public body as set out by the Act.*

2.2.5 Important Key Royal Newfoundland Constabulary Exclusions (Section 5) to *ATIPPA*, 2015

Many of the requests the RNC receives are for copies of police reports. Police reports contain sensitive information about multiple parties at varying stages of investigations with various outcomes. Section 5(1) of the *Act* outlines the types of records that are exempt from the *Act*. Specifically, section 5(1)(j-m) exclude files within the RNC where (j) an all aspects of a criminal prosecution have not been completed; (k) an investigation is not completed; (l) the record may reveal a source of confidential information; and (m) where there is a suspicion of guilt of an identified individual, but no charge was ever laid. All these exclusions are key to the nature of operations at the RNC and the integrity of police investigations.

Section 5(1)(m) relates to records where there is a suspicion of guilt of an identified person. The RNC seeks clarification to this section. Although the section reads clearly on its face, there has been confusion as to who must express the suspicion of guilt in order for s.5(1)(m) to apply. Additionally, the RNC submit that the section should apply to circumstances in which a particular suspect has not been named in order to protect the integrity and content of matters that may currently be “unsolved” but may be reopened should new information arise. . Any unresolved police investigation can be reopened at any time should additional information be received and investigated further, and people who are not identified at the time of access to information request may be identified as subjects or suspects in the future. Currently, without an identified suspect, an investigation being considered inactive could result in records being releasable under *ATIPPA* that could jeopardize any future investigation and potential prosecution should it be reopened. For these reasons, the RNC wishes to reiterate from its 2020 submission that changes are needed to section 5(1)(j-m) to better protect the sensitivity of RNC records and reflect the nature of policing. Therefore, the following recommendations are being put forward again:

Recommendations:

- a. *Section 5(1)(m) should be updated to include any record where a suspicion of guilt is present regardless of if a suspected guilty person(s) is specifically identified by the investigating officer as a “suspect” at the time of an Access to Information request to protect the integrity of the information that could eventually lead to future investigations and proceedings.*

2.2.6 ATIPPA, 2015 – “Schedule A”

In its 2020 submission, the RNC highlighted two key pieces of legislation that it relies upon when processing access to information requests. While the *Act* is key to both transparency and privacy, provisions of additional acts outlined in “Schedule A” of the *Act* supersede ATIPP legislation as indicated in section 7(2). The *Acts* in “Schedule A” most frequently referenced by the RNC when responding to access to information requests are section 174 of the *Highway Traffic Act (HTA)* and subsection 24(1) of the *Fatalities Investigation Act*. A significant portion of access requests received by the RNC are from those involved in motor vehicle incidents and their respective insurance and legal representatives. Section 174 of the *HTA* has played a key role in responding to those types of requests to ensure government processes are being correctly followed when requesting vehicle collision reports (VCR), a document prepared by and within RNC police reports but required by and in the custody of Motor Registration Division. The OIPC has taken the stance that the information contained within VCRs is releasable through an access to information request because the *HTA* is included in ‘Schedule A’. Section 3(3) of the *Act* indicates that the *Act* is not meant to replace other processes to obtain information. Through the process outlined in the *HTA*, a fee is required by the minister responsible and in releasing the document via an RNC access to information request at no cost, will unnecessarily increase RNC’s ATIPP volume and decreases the revenue of another Government Department.

Additionally, the RNC has relied upon the *Fatalities Investigation Act* in responding to access requests for records in relation to a death which was investigated by the Royal Newfoundland Constabulary. Within Schedule A of *ATIPPA, 2015*, subsection g, references the *Fatalities Investigation Act* which provides that:

24. (1) “All reports, certificates and other records made by a person under this Act are the property of the government of the province and shall not be released without the permission of the Chief Medical Examiner”

Section 11(2) of the *Fatalities Investigation Act* provides:

- (1) “An investigator, when authorized by a medical examiner,
 - (a) shall assist the medical examiner in carrying out the medical examiner’s duties under this Act; and*
 - (b) may exercise the powers and duties of a medical examiner as enumerated in section*”*
- (2) Every member of the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police is by virtue of the medical examiner’s office, a medical examiner’s investigator.”*

Because of this, all access to information requests where the RNC has assisted the investigation of the Office of the Chief Medical Examiner, must be approved by the Chief Medical Examiner prior to their release.

Recommendation:

- a. It is important to draw attention to sections 173, 174, & 174.1 of the Highway Traffic Act as well as subsection 24(1) of the Fatalities Act as the RNC recommends that the use of schedule A is clarified in conjunction with sections 3(3) and 7(2), and these be maintained in “Schedule A” of ATIPP legislation. This will allow for vehicle collision reports to be obtained through Motor Registration with the applicable fees set by the minister responsible as well as the required review of all investigative files by the Chief Medical Examiner.*

3.0 2025 ATIPPA Statutory Review

3.1 2025 Royal Newfoundland Constabulary Submission

In addition to the reiteration of selected items brought forward as part of its 2020 submission, the RNC wishes to provide the following additional items for consideration.

3.1.1 Timelines for Transfers and Disregards of Requests

As mentioned previously, the Royal Newfoundland Constabulary often works alongside other public bodies and deals with complex matters. Currently, the *Act* sets out five business days for a public body to either transfer a request or to apply for a disregard through the Office of the Information and Privacy Commissioner. However, five days is not often enough time for a public body to fully assess the nature of the request before determining if the request is better suited for another public body to process in part or in full. The complex nature of RNC operations and involvement with multiple public bodies often necessitates an extensive search for and assessment of records to determine if a partial or full transfer is appropriate. The same applies to disregard applications. The RNC often cannot determine whether a disregard is appropriate without obtaining contextual information for the request and any potentially responsive records. The current timelines can potentially result in decisions being made prematurely without sufficient information or potentially result in public bodies not being able to avail of necessary options. The RNC wishes to provide the following recommendation in line with a recommendation made in the report of the 2020 Statutory Review Committee.

Recommendation:

- a. The RNC recommends the Act be amended to expand the window for transferring requests and submitting disregard applications to 10 business days.*

3.1.2 Advisory Responses

Section 15 of the *Act* requires a public body to provide an advisory response within 10 business days after receiving a request. Essentially, the purpose of the advisory response is to provide a status update to the applicant. In many cases, the RNC has already conversed with the applicant to obtain clarification of the request or to request proof of identity or authority. The advisory response in some cases becomes redundant when considering the recommendation of the previous review committee to allow a public body to request identity verification within five business days. The advisory response creates an additional administrative step for coordinators in the processing of access requests when the applicant is likely already aware of the status of their application. While advisory responses may provide value in certain circumstances, they can also result in additional correspondence and processing time without advancing the processing of the applicant's request. In most cases, advisory responses do not provide any new information that is helpful to the applicant.

For the RNC and other public bodies, where there is a high volume of access requests, a high volume of records, multiple operational areas, large amounts of third-party information, and significant requirements for thorough review of records, reducing the unnecessary administrative procedural steps would be very beneficial in improving timeliness and efficiency in processing an access request. The RNC wishes to provide the following recommendation in line with a recommendation in the report of the 2020 Statutory Review Committee.

Recommendation:

- a. The RNC recommends that the Act be amended to remove the mandatory requirement to issue an advisory response.*

3.1.3 Law Enforcement Intelligence

As a part of law enforcement operations, law enforcement intelligence (criminal intelligence) is collected, analyzed, and maintained, often involving sensitive sources, investigative techniques, operational methodologies, and information that may be linked to ongoing or future investigations. As defined in the Access to Information Policy and Procedures Manual, law enforcement intelligence means “information gathered by a law enforcement agency in a covert manner with respect to ongoing efforts devoted to the detection and prosecution of crime or the prevention of possible violation of law, and is distinct from information which is compiled and identifiable as part of the investigation of a specific occurrence”. It is not uncommon for law enforcement intelligence information to be identified during a search for responsive records. This information unequivocally cannot be released. The release of such information may cause an abundance of issues for law enforcement operations as well as safety concerns for police and the public. Section 31(1)(e) of the *Act* permits the head of a public body to withhold law enforcement intelligence information. However, section 17(1)(c) requires that as a part of a final response where a record or part thereof has been refused, the public body shall identify the provision of the *Act* that the refusal is based upon. The requirement to outline the section of the *Act* being relied upon in the final response in these circumstances is problematic. Criminal intelligence is often collected through a series of means including the use of confidential informants and surveillance without the subject’s knowledge of the collection. It is paramount that when using confidential informants their identities are protected. Being required to disclose the section of the *Act* relied upon would directly disclose to an applicant that intelligence information exists, which they would be unaware of. Depending on the nature of the request, the subject or topic of that intelligence and potentially where and how the information was obtained could be surmised. Doing so may result in the loss of that source of information or ability to obtain further information. In some scenarios, when responding to a request for information, the application of section 17(2), which gives a public body the ability to neither confirm nor deny the existence of a record, does not fit

the circumstances as it relates to law enforcement intelligence.

Further, the Office of the Information and Privacy Commissioners is granted the ability to compel from a public body records that have been refused under section 31 of the *Act*. It is paramount that law enforcement intelligence information does not leave the custody and control of the RNC. The RNC requests review or removal of section 31(1)(e), and that such information should be included in other sections of section 31 or be exempt from the *Act* entirely by inclusion in s.5(1). The RNC believes that law enforcement intelligence records should not be subject to the *Act* in their entirety for the reasons stated. An exception under section 5 of the *Act* for law enforcement intelligence should be considered to further protect this crucial and highly sensitive information. As a result of these concerns, the RNC wishes to provide the following recommendation.

Recommendation:

- a. The RNC recommends that the application of section 31(1)(e) be reviewed and that the Act is amended to mask a public body's reliance on section 31(1)(e) or other exclusion if granted.*
- b. The RNC recommends that the Act be amended to prevent law enforcement intelligence from being compellable during an investigation by the Office of the Information and Privacy Commissioner.*

3.1.4 Frivolous and Vexatious Applicants

The Royal Newfoundland Constabulary has experienced ongoing challenges with a small number of applicants who repeatedly use the access to information process in a manner that creates a significant administrative burden on the public body. While the *Act* contains provisions that allow a public body to seek approval to disregard requests that are frivolous, vexatious, or made in bad faith, these provisions focus on individual requests rather than addressing patterns of behavior by applicants.

As a policing organization, the RNC regularly interacts with individuals who may have ongoing disputes, grievances, mental health challenges, or repeated involvement with the organization. In some cases, these individuals submit numerous requests that are repetitive, overlapping, or substantially similar to requests that have already been processed and responded to. The ability to submit access requests at no cost is an important component; however, the absence of deterrents can result in repeated misuse of the process by a small number of applicants.

These requests require significant record searches, consultations with other areas internally, legal review, redaction of sensitive information, and preparation of formal responses. Even when a request is determined to be repetitive or lacking merit, considerable time and effort are required before relief can be sought under the *Act*. For a public body such as the RNC, which receives a high volume of requests and manages records that are often sensitive and complex in nature, repeated frivolous and vexatious requests and individuals can divert resources away from legitimate applicants and impact the overall process. As a result, the RNC wishes to put forward the following recommendation in line with a recommendation in the report of the 2020 Statutory Review Committee.

Recommendation

- a. The RNC recommends the Act be amended to provide a mechanism for identifying and managing frivolous or vexatious applicants. Consideration should be given to allowing public bodies, subject to approval and oversight by the Information and Privacy Commissioner, to seek restrictions on applicants who demonstrate a clear and ongoing pattern of abusing the access process.*

3.1.5 Digital Evidence and Anticipated Introduction of Body Cameras

The Royal Newfoundland Constabulary recognizes the operational need as well as public accountability benefits associated with the implementation of body-worn cameras. However, the introduction of body-worn cameras would be expected to create significant new challenges for ATIPP at the Royal Newfoundland Constabulary under the *Act*.

Body-worn camera programs generate large volumes of digital records. Unlike other records, video files require significantly more time and resources to review, assess, redact, and prepare for disclosure. A single access request may involve multiple hours of footage from several officers, requiring staff to review video to identify personal information, law enforcement information, third-party information, and other content that may be subject to mandatory or discretionary exceptions under the *Act*. A 30-minute report may take minutes to review, while a 30-minute body-worn camera recording requires at least 30 minutes to watch prior to any redactions are even considered. With multiple responding officers, all equipped with cameras, redactions could turn a single request into a significant administrative task if implemented.

Given the nature of policing, body-worn camera recordings are also likely to capture interactions with victims, witnesses, suspects, persons in crisis, youth, healthcare professionals, and members of the public. These recordings frequently contain sensitive personal information, information related to ongoing investigations, and information that could reasonably be expected to impact public safety or ongoing proceedings if disclosed improperly. As a result, any disclosure process would require a thorough and careful review to balance transparency with privacy protection and law enforcement interests.

Based on the wording of current access requests, the implementation of body-worn cameras would be expected to result in a substantial increase in both the number and complexity of access requests received by the RNC. Applicants who may have previously requested written reports or occurrence summaries may instead seek access to video recordings, creating additional workload associated with storage, retrieval, review, redaction, and disclosure. Without appropriate legislative and operational supports, potential body-worn camera requests could create significant pressures on existing ATIPP resources and negatively impact response times for all applicants.

As body-worn cameras become increasingly common in policing, it is important that the legislative framework evolves to recognize the unique demands associated with managing video records. Proactive measures will help ensure that transparency objectives can be achieved while protecting privacy and maintaining timely access to information. As a result of the aforementioned the RNC wishes to provide the following recommendations.

Recommendations:

- a. *The RNC recommends that consideration be given to adapting the Act to address the unique challenges associated with body-worn camera recordings and other forms of digital evidence.*

Specifically, consideration should be given to:

- i. *Recognizing the significant time and resources required to review and redact audio and video records when calculating timelines and extensions under the Act.*
- ii. *Providing public bodies with greater flexibility to extend response deadlines where requests involve substantial volumes of video recordings or extensive redaction requirements.*
- iii. *The ability to disregard video requests in the event they present as unreasonable.*
- iv. *Developing clear guidance and standards regarding the disclosure, redaction, retention, and management of body-worn camera footage for access to information purposes.*
- v. *Exploring costs and cost-recovery for unusually large or complex requests involving extensive video review and redaction, while maintaining reasonable access rights.*

4.0 Concluding Remarks

The Royal Newfoundland Constabulary wishes to thank the Statutory Review Committee for the opportunity to contribute to the review of the *Access to Information and Protection of Privacy Act, 2015*. As Newfoundland and Labrador's provincial police service, the RNC is committed to supporting the principles of transparency, accountability, and the protection of personal privacy.

The unique operational environment of policing requires careful consideration of the significant privacy, public safety, law enforcement, and investigative interests that may be impacted by access and disclosure obligations.