**OFFICE OF THE**
**INFORMATION and PRIVACY COMMISSIONER**
**for Prince Edward Island**

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| **Decision No.** | D-26-015 |
| **OIPC File No.** | C/26/00290 |
| **Custodian** | Department of Social Development and Seniors |
| **Public Body reference** | 2026-353 SDS |
| **Statute** | *Freedom of Information and Protection of Privacy Act (the "FOIPP Act")* |
| **Decision Maker** | Maria MacDonald, Deputy Commissioner |
| **Date of Decision** | November 3, 2026 |


**Summary**

The Applicant requested access to information and records created when the public body processed the Applicant's earlier access request(s) under the *Child, Youth and Family Services Act (CYFSA).* The Deputy Commissioner found that any responsive information was created under the *CYFSA*. As such, the *CYFSA* access procedure applies to the access request for processing records. The *CYFSA* access procedure prevails over the *FOIPP Act* and the *FOIPP Act* does not give the Applicant a right to access the requested processing records. The Deputy Commissioner confirmed the decision of the Department of Social Development and Seniors that the *FOIPP Act* does not apply to the Applicant's access request.


**Background**

[1] The Applicant asked the Department of Social Development and Seniors (the "Public Body") for:

> All records relating to the receipt, review, processing, assignment, status, delay, search, approval and anticipated or actual completion of Child Protection Services Disclosure File [a number] and my March 24, 2026 personal disclosure request.

[followed by a bullet list of various types of potentially responsive records.]

[2] In the text of their access request, the Applicant refers to earlier access request(s) for information in child protection records. This review does not address or make findings about the Applicant's earlier request(s). This decision relates to the Applicant's access request for processing records of their earlier access request.

[3] The Public Body refused access to the processing records. Mentioning the provisions of the *Child, Youth and Family Services Act*, RSPEI 1988, c. C-6.01, (the "*CYSFA")* the Public Body told the Applicant that the requested processing records were created under the *CYFSA* and therefore cannot be accessed under the *FOIPP Act.*

[4] Commissioner Denise N. Doiron delegated this matter to me.

**Request for review**

[5] The Applicant does not agree that the requested processing records were created under the *CYFSA*. The Applicant asked for a review, and stated, in part:

> I acknowledge that protected child and family information may be governed by specialized law. I do not ask the Commissioner to override that protection or release a child's confidential information. The narrow issue is the legal classification, custody and severability of MY personal administrative processing records.

**Issue**

[6] The issue in this review is whether the requested processing records were created under the *CYFSA*. If so, the *CYFSA* prevails, and the Applicant does not have a right of access under the *FOIPP Act*.

**Analysis**

[7] Except for the Applicant's request for review, I did not request or receive evidence or submissions from either the Public Body or the Applicant. The text of the access request is sufficient to make this decision.

[8] The *CYFSA* includes an access procedure [section 57 of the *CYFSA*] which applies to records created under the *CYFSA* [section 51(2) of the *CYFSA*]. The access procedure prevails over the *FOIPP Act* [section 52 of the *CYFSA*]. All records created to process the Applicant's earlier access request were created under this *CYFSA* procedure and were

created under the *CYFSA*. Therefore, the *CYFSA* access procedure applies to the requested processing records.

[9] Although the Applicant stated that their access request was made under the *FOIPP Act*, the *CYFSA* prevails, and *FOIPP Act* does not apply.

**Conclusion**

[10] As the requested processing records were created under the *CYFSA*, the *CYFSA* access procedure applies despite the *FOIPP Act.* I confirm the Public Body's decision that the Applicant does not have a right of access under the *FOIPP Act*.

[11] This is not a decision that the Applicant does not have a right of access. Rather, that the right of access is under the *CYFSA*, not the *FOIPP Act*.

Maria MacDonald

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Maria MacDonald
Deputy Commissioner