

SUPREME COURT OF NOVA SCOTIA

Citation: Peach v. Nova Scotia (Transportation and Infrastructure Renewal),
2010 NSSC 91

Date: 20100309
Docket: Hfx No. 316675
Registry: Halifax

Between:

Nora T. Peach

Appellant

and

Department of Transportation and Infrastructure Renewal

Respondent

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: December 16, 2009 in Halifax

Subject: *Freedom of Information and Protection of Privacy Act*; Privilege, waiver; Crown law, authority to waive privilege

Summary: Ms. Peach sought a copy of a letter from a Department of Justice lawyer to a Department of Transportation official. The official had summarized the contents in a communication to a municipality. The government refused disclosure under s. 16 about privilege.

Issues: (1) Whether the summary amounted to waiver? (2) Whether the official had authority to do so.

Result: Disclosure was required. The summary amounted to implied waiver. The official produced the summary while acting within his duties. Authority to waive privilege comes with the authority to perform those duties.

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