

Response to Applicant – Access Refused
Form 4C

March 6, 2017

[Redacted] s.40(1)

Dear [Redacted] s.40(1)

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: OCIO/005/2017]

On February 22, 2017, the Office of the Chief Information Officer (OCIO) received your request for access to the following records:

“My ATIPP Request is for all records that relate in any way to problems with the case management system which was implemented in 2004. This includes the Account Event History generated by the system. It is my understanding that the system is known as SEPS. My request includes, but is not limited to the following:

1. *Emails related to the software.*
2. *Records related to fields changing on documents.*
3. *Correspondence with any outside contractors.*
4. *Any emails you may have sent or received with respect to my email to you below.*
5. *Emails that Ms. Goulding may have sent or received.*
6. *Messages sent and received using smartphone apps such as Blackberry Messenger.*
7. *All records that relate to addressing the defective software.*
8. *Discussions related to similar problems with other computer systems such as the computer system with the Supreme Court of Newfoundland and Labrador or the health authorities etc.*
9. *Information on audio recording devices, handwritten notes and screenshots etc.*
10. *Minutes of meetings etc. related to the aforementioned.*

11.

12.

[Redacted] s.40(1)

Please be advised that a decision has been made by the Chief Information Officer for OCIO that access to these records has been refused in accordance with section 21.(1) (c) (iii) of the *Access to Information and Protection of Privacy Act, 2015* (the Act):

21. (1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that

(c) the request would amount to an abuse of the right to make a request because it is

(iii) excessively broad or incomprehensible, or

The Chief Information Officer is of the opinion that the request in addition to being a request for large amount of records, the wording of the request is very broad and too general in scope, making it difficult if not impossible to identify responsive records. Attempts to have you clarify or narrow the request resulted in a broadening of the request with even less clarity.

The Office of the Privacy Commissioner has approved the decision of the Chief Information Officer to disregard the access request in accordance with section 21 (1) (c) (iii) on Friday, March 3, 2017.

The *Access to Information and Protection of Privacy Act* requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may appeal directly to the Supreme Court Trial Division pursuant to section 52 (1) of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact me by telephone 729-3543 or by email at kimberlyporter@gov.nl.ca.

Sincerely,


Kimberly Porter
ATIPP Coordinator

Enclosures

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).