

March 29, 2017



s.40(1)

Dear 

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File # HRS-07-2017]

On March 1, 2017, the Human Resource Secretariat (HRS) received your request for access to the following records/information:

"A list of the 350 positions eliminated by the government, announced February 22, 2016. For the sake of expediency and cost, for the purpose of this request electronic records are preferable to paper documents, and email correspondence is preferable to traditional mail."

I am pleased to inform you that a decision has been made by the Deputy Minister for the HRS to provide access to some of the requested information. The attached table outlines the 348 management positions (directors, managers and executive support) that have been abolished in each department as well as the number of positions created in each department which resulted in the net reduction of 287 positions. At this point in time the HRS is not prepared to provide the full position title per section 40(1) as this would reveal the employment status/history of individuals which is defined as personal information per section 2(u)(vii):

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

2. (u) "personal information" means recorded information about an identifiable individual, including

(vii) information about the individual's educational, financial, criminal or employment status or history

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (*a copy of this section of the Act has been enclosed for your reference*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

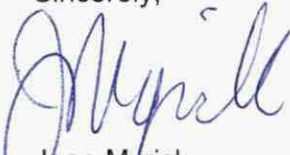
Telephone: (709) 729-6309 | Toll-Free: 1-877-729-6309 | Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone 709-729-3387 or by e-mail at jeanmyrick@gov.nl.ca.

Sincerely,



Jean Myrick
ATIPP Coordinator

Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing 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) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

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).

Impact to Positions Resulting from Flatter Leaner Management Review

Department	Abolish				Create				Net Reduction
	Director	Manager	Exec Support	Grand Total	Director	Manager	Bargaining Unit	Grand Total	
AESL	3	25	2	30				0	30
BTCRD	17	11	1	29	3	8		11	18
BTCRD - The Rooms		2		2				0	2
CSSD	10	11	3	24	4			4	20
EC - CPEB		5	1	6				0	6
EC - Government Renewal		1		1				0	1
EC - HRS	1	20	1	22	1	3		4	18
EC - IGA	1			1				0	1
EC - LAAO		2	1	3				0	3
EC - OCIO	1	8		9				0	9
EC - PIAO	1	2		3				0	3
EC - Protocol Office	1	1		2				0	2
EC - WPO	1			1		1		1	0
EC- Cab Sec		1		1	1			1	0
EC- Government House		1		1		1		1	0
ECC	4	14	1	19				0	19
EECD	9	7	1	17	3	3		6	11
FFA	12	24	3	39	4	4		8	31
FIN	4	22	2	28				0	28
HCS	4	7		11	1		1	2	9
JPS	4	19	1	24	1	1		2	22
MA	3	9	4	16	1	3		4	12
NR	3	8	2	13	1			1	12
PSC	1	1		2		1		1	1
Service NL	1	4	1	6				0	6
TW	14	24		38	9	6		15	23
Grand Total	95	229	24	348	29	31	1	61	287

as of February 22, 2017