

April 13, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: EDU/O16/2017)

On March 16, 2017 the Department of Education and Early Childhood Development received your request for access to the following records/information:

"All correspondence (letters, emails, briefing notes, advisories, reports) to the minister since Nov. 3, 2011 regarding the awarding of a \$4.9 million tender to Pinnacle Office Solutions Ltd. of Mount Pearl to supply interactive whiteboards and accompanying software and training, and any correspondence with, or possible legal documents or statements of claim against Pinnacle Office Solutions Ltd. or Egan Teamboards regarding the product Teamboards supplied to schools in the province and any problems with the product."

On March 16, 2017, your request was clarified by telephone to:

"All correspondence (letters, emails, briefing notes, advisories, reports) to the minister since Nov. 3, 2011 regarding the awarding of a \$4.9 million tender to Pinnacle Office Solutions Ltd. of Mount Pearl to supply interactive whiteboards and accompanying software and training.

Any information/correspondence/documents both internal or with Pinnacle/Egan Teamboard regarding any legal action or potential legal action to be considered/taken against the vendor(s). This would include any records that involve discussion/options to recover money paid to vendor for the Teamboards."

A decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development to provide access to some of the requested information and the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):

Section 40: Disclosure harmful to personal privacy

(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.*

Section 30: Legal advice

(1) *The head of a public body may refuse to disclose to an applicant information*

- a. *That is subject to solicitor and client privilege or litigation privilege of a public body; or***
- b. *That would disclose legal opinions provided to a public body by a law officer of the Crown.***

(2) *The head of a public body shall refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a person other than a public body.*

The following pages are being withheld in their entirety under Section 30 - Legal Advice: pages 3-11; 13-39; 46; 48-265.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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 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:

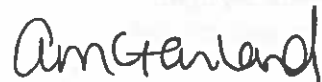
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

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.

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 the undersigned by telephone at 709-729-7425 or by e-mail at AmandaGarland@gov.nl.ca.

Sincerely,



Amanda Garland
Manager of Information Services
ATIPP Coordinator

Enclosure

Discovery - Education and Early Childhood Development

From: Vivian-Walsh, Janet
Sent: Wednesday, May 04, 2016 10:27 PM
To: Tuff, Jim
Subject: RE:

Thanks Jim.

Janet

Janet Vivian-Walsh
 Deputy Minister
 Department of Education and Early Childhood Development
 Government of Newfoundland and Labrador
 Phone: (709) 729-5086
 e-mail: janetvivianwalsh@gov.nl.ca

CONFIDENTIAL – This e-mail message is for intended recipients only. Please do not redistribute or reconfigure without written permission of the sender.

From: Tuff, Jim
Sent: Wednesday, May 04, 2016 9:39 PM
To: Vivian-Walsh, Janet
Subject: Re:

Hi Janet,

I can drop by in the morning to give you an update. Craig Butt had emailed me today inquiring about our 2011 TeamBoard purchase as per a CBC request for info.

Jim

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Vivian-Walsh, Janet
Sent: Wednesday, May 4, 2016 7:20 PM
To: Tuff, Jim
Subject:

Hi Jim.

Heard from Darrin. CBC called them asking about teamboards. He asked me if there were any legal steps taken.

I recall some conversation on this but think your plan was to send back so many boards to be repaired.

Can you give me an update tomorrow morning sometime?

Thanks

Janet

Sent from my BlackBerry 10 smartphone on the Bell network.

Discovery - Education and Early Childhood Development

From: Tuff, Jim
Sent: Wednesday, July 27, 2016 10:52 AM
To: Rose, Anne Marie; Fitzgerald, Peter; Vivian-Walsh, Janet
Subject: RE: Whiteboards

Hi,

Sean Brown was president during the last school year as the receptionist confirmed it whenever I called and asked to speak with the president.

Jim

Jim Tuff
 Director
 Centre for Distance Learning and Innovation (CDLI)

Department of Education and Early Childhood Development
 P.O. Box 8700
 St. John's, NL A1B 4J6
 Ph: (709) 729-3000 Fax: (709) 729-1400
 email: jimtuff@gov.nl.ca
 online: www.cdli.ca

From: Rose, Anne Marie
Sent: Wednesday, July 27, 2016 10:46 AM
To: Fitzgerald, Peter; Vivian-Walsh, Janet; Tuff, Jim
Subject: RE: Whiteboards

Some websites have James Egan listed as President of Egan Teamboard Inc and Sean Brown for Egan Visual.

Jim, Can you make a call to confirm who the CEO / President is? Thanks.

Anne Marie Rose QC
 Manager, Central Agencies and Justice Policy Unit
 Civil Division
 Department of Justice and Public Safety
 4th Floor, East Block
 Confederation Building
 P.O. Box 8700
 St. John's, NL A1B 4J6
 Phone: 729-3354 Facsimile: 729-2129

This e-mail is confidential and solicitor-client privileged. Unauthorized copying, distribution or disclosure is prohibited. Disclosure to anyone other than the recipient does not constitute a waiver of privilege. If you received this e-mail in error, please notify the undersigned immediately and delete all versions of same.

Discovery - Education and Early Childhood Development

From: Vivian-Walsh, Janet
Sent: Friday, September 09, 2016 8:24 AM
To: Fitzgerald, Peter
Subject: RE: Whiteboards

Agree – will set the date and I will have my assistant set a time for us to meet when Anne Marie returns (prior to the meeting with Mr. Brown).

Janet

Janet Vivian-Walsh
 Deputy Minister
 Department of Education and Early Childhood Development
 Government of Newfoundland and Labrador
 Phone: (709) 729-5086
 e-mail: janetvivianwalsh@gov.nl.ca

CONFIDENTIAL – This e-mail message is for intended recipients only. Please do not redistribute or reconfigure without written permission of the sender.

From: Fitzgerald, Peter
Sent: Thursday, September 08, 2016 6:37 PM
To: Vivian-Walsh, Janet
Subject: Re: Whiteboards

Should not be an issue. Anne Marie should be back then as well. Will need to discuss approach prior.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Vivian-Walsh, Janet
Sent: Thursday, September 8, 2016 6:22 PM
To: Fitzgerald, Peter
Cc: Rose, Anne Marie; Walsh, Ed; Tuff, Jim
Subject: RE: Whiteboards

Yes, ended up answering the phone around 6:30 yesterday and it was Mr. Brown calling. He indicated that his schedule was very tight for September and October but when I asked for possible dates, he gave me September 27th or 28th. I told him I would get back to him with our choice and time. Any issues with either day?

Janet

Janet Vivian-Walsh
 Deputy Minister
 Department of Education and Early Childhood Development
 Government of Newfoundland and Labrador
 Phone: (709) 729-5086
 e-mail: janetvivianwalsh@gov.nl.ca

CONFIDENTIAL – This e-mail message is for intended recipients only. Please do not redistribute or reconfigure without written permission of the sender.

From: Fitzgerald, Peter
Sent: Thursday, September 08, 2016 4:41 PM
To: Vivian-Walsh, Janet
Cc: Rose, Anne Marie
Subject: Whiteboards

Following up any word on dates for this from Egan (Mr. Brown)?

Peter G. Fitzgerald
Manager, Corporate Commercial
Civil Division

T. 709.729.2004
F. 709.729.2129



Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador
4th Floor East Block, Confederation Building
P.O. Box 8700
St. John's, NL
A1B 4J6

This e-mail, including any attachments(s), is confidential and is intended only for the use of the addressee(s). The contents of this e-mail may contain personal information and/or be covered by various forms of privilege, including solicitor-client privilege. Any unauthorized copying, distribution, publication or disclosure is prohibited. Receipt of this e-mail by anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify the sender or the Civil Division, Government of Newfoundland and Labrador and delete all versions of same.

Discovery - Education and Early Childhood Development

From: Vivian-Walsh, Janet
Sent: Sunday, September 11, 2016 5:39 PM
To: Cormey, Janet
Subject: RE: Meeting in St. John's, NL

Yes, Ross Parrott of Pinnacle Office Solutions should be invited. We sent the original letter to him as well and he did respond back, waiting on response from Mr. Brown. Please advise Mr. Brown that Mr. Parrott has been invited.

Thanks,

Janet

Janet Vivian-Walsh
 Deputy Minister
 Department of Education and Early Childhood Development
 Government of Newfoundland and Labrador
 Phone: (709) 729-5086
 e-mail: janetvivianwalsh@gov.nl.ca

CONFIDENTIAL – This e-mail message is for intended recipients only. Please do not redistribute or reconfigure without written permission of the sender.

From: Cormey, Janet
Sent: Friday, September 09, 2016 4:18 PM
To: Vivian-Walsh, Janet
Subject: FW: Meeting in St. John's, NL

Janet with reference to e-mail below from Mr. Brown, should I send an invite also to Pinnacle? J

s.40(1)

From: Sean Brown [<mailto:██████████@egan.com>]
Sent: Friday, September 09, 2016 4:14 PM
To: Cormey, Janet
Cc: Jennifer Bellio; Vivian-Walsh, Janet
Subject: RE: Meeting in St. John's, NL

Nobody will be attending with me, assuming you invited Pinnacle under separate cover. Pinnacle's presence is important to you as your purchase contract for a variety of products and services was with them. They were addressed in the original letter but I didn't notice them copied below.

Sean Brown

From: Cormey, Janet [mailto:janetcormey@gov.nl.ca]
Sent: September 9, 2016 9:41 AM s.40(1)
To: Sean Brown <[REDACTED]@egan.com>
Cc: Jennifer Bellio <[REDACTED]@egan.com>; Vivian-Walsh, Janet <JanetVivianWalsh@gov.nl.ca>
Subject: Meeting in St. John's, NL s.40(1)

Good morning Mr. Brown, with reference to your conversation with Deputy Minister Janet Vivian-Walsh on September 7th, this is to confirm the meeting for Wednesday, September 28th @ 1:00 p.m. Location will be in the Department of Education and Early Childhood Development's Main Boardroom 3500. Notification of who will be attending the meeting with you would be appreciated as I will need to do a letter for security.

Ms. Vivian-Walsh will follow-up next week with our list of attendees.

Thank you – Janet

Janet Cormey
Secretary to Minister
Department of Education
and Early Childhood Development
P. O. Box 8700
St. John's, NL A1B 4J6
Phone: 709-729-5040
Fax: 709-729-0414

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”

Discovery - Education and Early Childhood Development

From: Ross Parrott <[REDACTED]@pinnacleoffice.ca>
Sent: Monday, September 12, 2016 10:20 AM
To: Cormey, Janet
Cc: [REDACTED]@egan.com; [REDACTED]@egan.com; Vivian-Walsh, Janet
Subject: Re: Meeting Sept. 28, 2016

Good Day Ms. Cormey,

Currently away from my office.....Will be back in the office later this afternoon and will confirm who else will be attending the meeting on Pinnacle Office's side.....

Best Regards,

Ross

Sent from my iPhone

On Sep 12, 2016, at 9:00 AM, Cormey, Janet <janetcormey@gov.nl.ca> wrote:

Good morning Mr. Parrott, this is to confirm meeting with Mr. Sean Brown for Wednesday, September 28th @ 1:00 p.m. re: Interactive Whiteboard Solution. Location will be in the Department of Education and Early Childhood Development's Main Boardroom 3500. Please confirm your attendance and notification of who will be attending with you as I will need to do a letter for security.

Thank you.

Janet Cormey
 Secretary to Minister
 Department of Education
 and Early Childhood Development
 P. O. Box 8700
 St. John's, NL A1B 4J6
 Phone: 709-729-5040
 Fax: 709-729-0414

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

Discovery - Education and Early Childhood Development

From: Tuff, Jim
Sent: Friday, September 23, 2016 11:20 AM
To: Rose, Anne Marie
Cc: Fitzgerald, Peter; Vivian-Walsh, Janet; Pritchard, Rolf; Pynn, Jessica
Subject: Re: Whiteboards

Hi Anne Marie,

I will check my files to determine the date of first delivery. I do recall us receiving a couple of boards earlier so we could test and assist with our professional Learning preparations, but I need to check the date.

Will have this by Monday.

Jim

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Rose, Anne Marie
Sent: Friday, September 23, 2016 11:05 AM
To: Tuff, Jim
Cc: Fitzgerald, Peter; Vivian-Walsh, Janet; Pritchard, Rolf; Pynn, Jessica
Subject: Whiteboards

Hi Jim,

s30.(1)(a); s30.(1)(b)

[Redacted]

[Redacted]

s30.(1)(a); s30.(1)(b)

[Redacted]

s30.(1)(a)

Anne Marie Rose QC
Manager, Central Agencies and Justice Policy Unit
Civil Division
Department of Justice and Public Safety
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6
Phone: 729-3354 Facsimile: 729-2129

Discovery - Education and Early Childhood Development

From: Cormey, Janet s.40(1)
Sent: Wednesday, September 28, 2016 9:24 AM
To: s.40(1) @egan.com; @pinnacleoffice.ca
Cc: Vivian-Walsh, Janet; @egan.com; (darrinpike@nlesd.ca)
Subject: Meeting September 28, 2016 s.40(1)

Good morning, with reference to our scheduled meeting September 28th @ 1:00 p.m., please note the following will be in attendance:

Education and Early Childhood Learning

Janet Vivian-Walsh – Deputy Minister
 Jim Tuff – Director of Centre for Distance Learning and Innovation Division
 Department's legal representative from Department of Justice and Public Safety

NL English School District

Darrin Pike – Director / CEO
 Terry Hall – Assistant Director of Finance and Business Administration
 Craig Butt – Director of Information Technology

Egan

Sean Brown

Pinnacle

Ross Parrott
 Justice Horvath

Janet Cormey
 Secretary to Minister
 Department of Education
 and Early Childhood Development
 P. O. Box 8700
 St. John's, NL A1B 4J6
 Phone: 709-729-5040
 Fax: 709-729-0414