

COR/2017/02863

June 12, 2017



s. 40 (1)

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Dear :

RE: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File TW/074/2017)

On May 29, 2017, the Department of Transportation and Works received your request for access to the following records/information:

I would like to request the results of the water system test that was completed at Mobile Central High School over the Easter Break as well as any correspondence regarding the matter.

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information.

Access to the remaining record 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*):

- *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.*

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, 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.

The address and contact information of 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*.

The *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 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 at 709-729-5303 or by e-mail at MichaelCook@gov.nl.ca.

Sincerely,



Michael Cook
ATIPP Coordinator
Department of Transportation and Works
Enclosures

Disclosure harmful to personal privacy

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) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

- (a) the applicant is the individual to whom the information relates;
- (b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;
- (c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;
- (d) an Act or regulation of the province or of Canada authorizes the disclosure;
- (e) the disclosure is for a research or statistical purpose and is in accordance with section 70 ;
- (f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;
- (g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;
- (h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;
- (i) public access to the information is provided under the *Financial Administration Act* ;
- (j) the information is about expenses incurred by a third party while travelling at the expense of a public body;
- (k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;
- (l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

- (i) personal information that is supplied in support of the application for the benefit, or
 - (ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or
- (m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:
- (i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or
 - (ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
- (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;
- (c) the personal information relates to employment or educational history;
- (d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;
- (e) the personal information consists of an individual's bank account information or credit card information;
- (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;
- (g) the personal information consists of the third party's name where
 - (i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

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).

P & P Sprinklers Ltd.

Ph: (709) 592-2029

General Delivery, Chapel Arm, NL A0B 1L0

Fax: (709)592-2019

WATER SUPPLY TEST

Name of risk: Mobile School
Address: Mobile, NL
Municipality: Mobile, NL

Test No: 1 S. 40 (1)
Tested By: [REDACTED]
Date: April 21, 2017

SYSTEM DATA:

Size of Main: 6" Dead End: _____ Two Ways: _____ Loop: X
Source Reliable: X If not explain: _____
Comments: 500GPM Fire Pump and Tank

TEST DATA:

Location of test hydrants: Residual: See Sketch Pg. 3
Flow: See Sketch Pg. 3

Static pressure: 85 Time: 10:45 A.M. _____ P.M.

Test No.	No. of Outlets	Orifice Size (in.)	Pitot Reading (psig)	Equivalent Flow gpm (U.S.)	Total Flow gpm (U.S.)	Residual Pressure (psig)	Comments
1	1	2-1/2"	33	964	964	28	

Sketch By: _____
Scale: _____

Name and address of Municipal authority who should receive a copy.

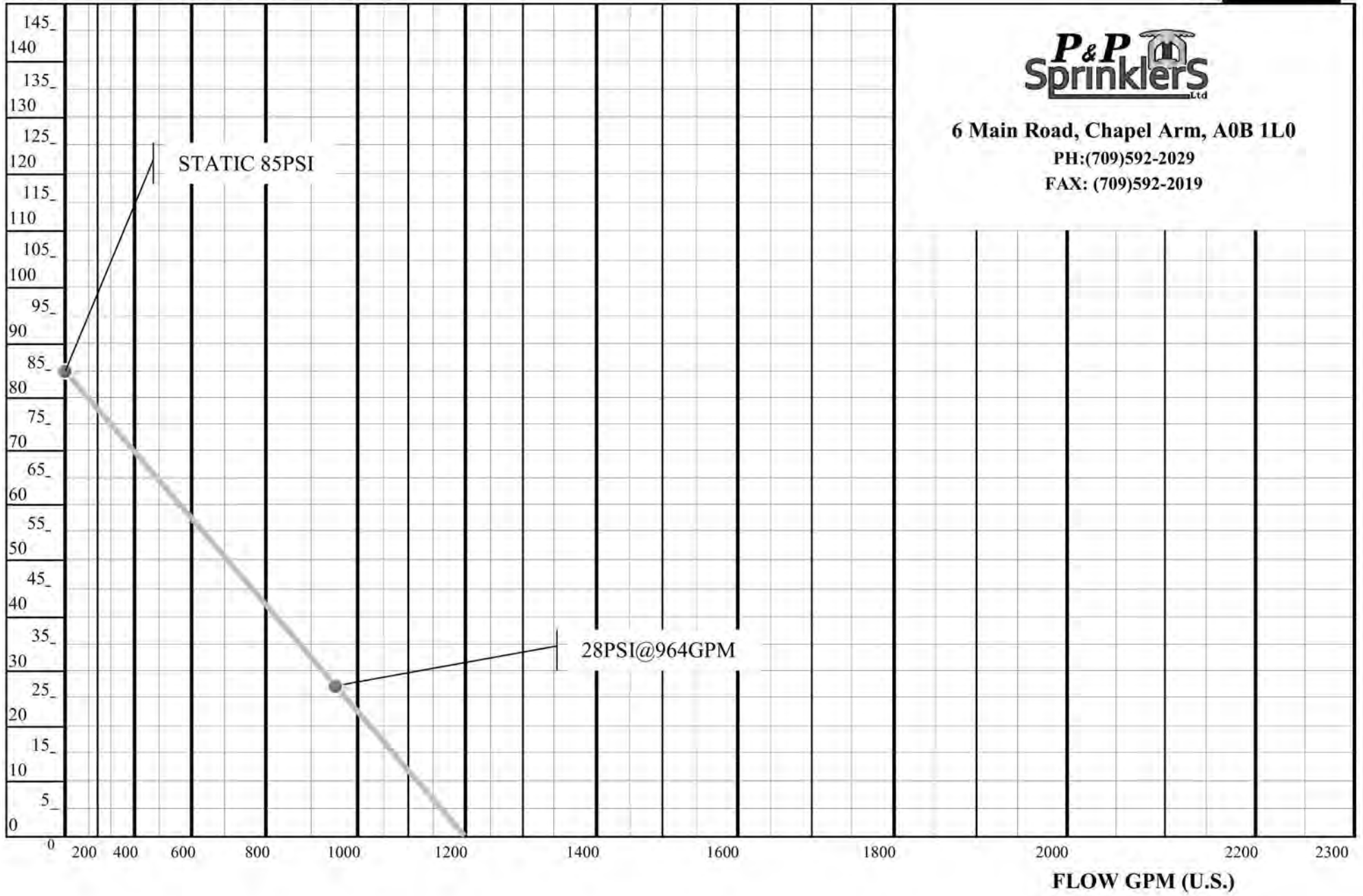
Municipality: Mobile, NL
Address: Mobile School
Date: April 21, 2017 – 10:45 AM

s. 40 (1)

By: [Redacted]



6 Main Road, Chapel Arm, A0B 1L0
PH: (709)592-2029
FAX: (709)592-2019



Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.

From: Jim Sinnott
To: Phillips, Chad
Subject: Re: Mobile Occupancy Easter Break
Date: Thursday, April 13, 2017 12:28:06 PM

Me is fine - tell them call cell [REDACTED] [s. 40 \(1\)](#)

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Phillips, Chad
Sent: Thursday, April 13, 2017 11:41 AM
To: 'Jim Sinnott'
Subject: RE: Mobile Occupancy Easter Break

Thanks Jim, I spoke with Robert and he is going to check with his people on when they want to go down for the hydrant testing. I will be in touch when he lets me know when they will on site. When they determine this, is there a contact that SNC should go through to gain access, or should those requests go through you? Thanks.

Chad

From: Jim Sinnott [mailto:jimsinnott@nlesd.ca]
Sent: Thursday, April 13, 2017 10:32 AM
To: Phillips, Chad
Subject: RE: Mobile Occupancy Easter Break

Sorry for delay responding – yes all good; pls let me know what day(s) they will be there

From: Phillips, Chad [mailto:ChadPhillips@gov.nl.ca]
Sent: Monday, April 10, 2017 3:08 PM
To: 'Jim Sinnott' <jimsinnott@nlesd.ca>
Subject: Mobile Occupancy Easter Break

Hi Jim,

Shortly after you left the meeting last week, it was brought up regarding the testing of the fire suppression system at Mobile. As noted at the previous meeting, this testing would deplete the water tanks, so would have to take place over a longer period when the school is unoccupied. Easter break for the school begins on Friday, so I wanted to check with you if you would be able to find out if there are any activities scheduled at the school over Easter, to see if this might be a possible time that SNC could commence the testing of this system. You can let me know if the school will be unoccupied or not, and I will coordinate with SNC if the building is free regarding scheduling a timeline for this testing. Thanks.

Chad Phillips

Engineer II
Dept. of Transportatiopn & Works
Building Design & Construction Division

(709) 729-1640
chadphillips@gov.nl.ca

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