

June 5, 2017



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, 2015* [Our File #: PRE/26/2017]

On May 5, 2017, the Premier's Office received your request for access to the following records/information:

"A list of all briefing material provided to the minister in April 2017."

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier's Office to provide access to some of the requested information. Access to the remaining information 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*):

27. (1) *In this section, "cabinet record" means*

(i) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

(2) *The head of a public body shall refuse to disclose to an applicant*

(a) a cabinet record.

30. (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.

35. (1) *The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose*

(f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;

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.

You may appeal this decision by asking 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 response and why you are submitting the appeal.

Contact information for 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 this response, 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. 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. If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,



Joy Buckle
ATIPP Coordinator

Enclosure

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).

Date	Type	Title
4/7/2017	Meeting Note	AESL - Premier Meeting with FFAW-Unifor
4/11/2017	Direction / Decision Note	IIAS - Repatriation of Beothuk Remains
4/11/2017	Direction / Decision Note	IIAS - "What We Heard" Document on National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG)"
4/11/2017	Information Note	MAE - Thanksgiving Rainfall Event 2016 Status of Recovery and Restoration Costs
4/13/2017	Information Note	SNL - Information Sharing Session on 2015 Workplace Hazardous Materials Information Systems (WHMIS) Regulations
4/17/2017	Information Note	CSSD - Release of a Report Entitled The Case For Culturally Responsive Services by the Advocate for Children and Youth (Advocate)
4/18/2017	Information Note	IIAS - Prince Edward Island's 2017-18 Budget
4/18/2017	Direction / Decision Note	TCII - Annual Trail of the Caribou Pilgrimage to Beaumont-Hamel, June 28 to July 5, 2017
4/19/2017	Information Note	IIAS - Federal Budget 2017-18 Indigenous Affairs
4/19/2017	Information Note	JPS - Child Death Review Committee Reports
4/25/2017	Information Note	IIAS - Federal 2017-18 Budget Implementation Act (Bill C-44)
4/27/2017	Meeting Note	IIAS - First Ministers' Teleconference ON Canada-U.S. Relations