

July 4, 2017



s.40(1)

Dear ,

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Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [File #: EC/23/2017]

On June 22, 2017, Executive Council received your request for access to the following records/information:

“Details of presentations received by the Economic Policy Committee and Social Policy Committee (i.e. who presented, what organization(s) they represent, what position(s) they hold within the organization(s), the presentation subject, the presentation date) from January 1, 2016 to present, on the topic of auto insurance rates and claims. In collecting this information, the following search criteria have been prepared to assist:

- *where the subject or presentation description/title contains one or more of the following terms:*
 - *insurance reform; insurance reforms; insurance premium; insurance premiums; insurance rate; insurance rates; insurance claim; insurance claims; insurance cap; insurance caps; cap on insurance; caps on insurance; claims cap; cap on claims; cap on damages; damage caps; Insurance Bureau of Canada; IBC; insurance application; insurance rate application; PUB application; Public Utilities Board application; PUB insurance application; Public Utilities Board insurance application; PUB rate application; Public Utilities Board rate application; insurance profitability; profitability of insurance; profits of insurance; insurance profit; insurance profits; profitability of insurance companies; profits of insurance companies; insurance company profits; return on equity of insurance companies; insurance company return on equity; insurance return on equity; insurance equity; automobile insurance; auto insurance ; car insurance; vehicle insurance; taxi insurance; insurance for taxis; third party liability insurance; third party liability; liability insurance; standard automobile policy; standard automobile insurance; standard automobile insurance policy; standard automobile insurance policies; standard auto policy; standard auto insurance; standard auto insurance policy; standard auto insurance policies; S.P.F. No. 1; SPF No. 1; uninsured motorist; uninsured driver; Facility Association; soft tissue; soft tissue claim; soft tissue claims; soft tissue injury; soft tissue injuries; tissue claim; tissue claims; tissue*

injury; tissue injuries; motorist claim; motorist claims; pedestrian claim; pedestrian claims; pedestrian claimants; personal injury; personal injury claims; personal injury claimants; insurance actuarial study; insurance actuarial studies; closed claim study; closed claim studies; texting and driving; driving and texting; texting while driving; driving while texting; distracted driving; distracted driver; distracted drivers; driving while distracted.

OR, when the presenters include one or more of the following:

- *Don Forgeron (President and CEO of Insurance Bureau of Canada)*
- *Amanda Dean (Vice President, Atlantic of Insurance Bureau of Canada)*
- *David McGown (Senior Vice President, Strategic Initiatives of Insurance Bureau of Canada)*
- *Sally Turney (Vice President, Communications of Insurance Bureau of Canada)*
- *Dennis Browne (Consumer Advocate, NL)*
- *Thomas Johnson (former Consumer Advocate, NL)*
- *John O'Brien (Director, Financial Services Regulation Division, ServiceNL)*

OR, where the position of the presenters includes one or more of the following titles:

- *Consumer Advocate*
- *Superintendent of Insurance*
- *Insurance Superintendent.”*

Records responsive to this request are cabinet records and therefore a decision has been made by the Deputy Clerk of Executive Council to refuse access in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act, 2015* (the Act):

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

(f) a record used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy;

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

(a) a cabinet record;

The Clerk of Executive Council has carefully examined and considered all records, materials and information withheld associated with this request and is satisfied that it does not meet the test for disclosure in accordance with subsection 27(3) of the *Act*.

For your information, the Social Policy Committee (SPC) and the Economic Policy Committee (EPC) are both committees of Cabinet. SPC is responsible for reviewing Cabinet submissions on issues involving social policy departments (e.g., Children, Seniors and Social Development). The EPC is responsible for reviewing issues involving economic policy departments (e.g., Advanced Education, Skills and Labour). Records related to SPC and EPC are considered Cabinet records in accordance with Section 27 of the *Act* and are protected from disclosure.

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.

You may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (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. 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*.

This letter will be published following a 72 hour period after it is sent electronically to you. It is the goal to have the letter 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)729-5691 or by e-mail at rachellecutler@gov.nl.ca.

Sincerely,



for Rachelle Cutler
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).