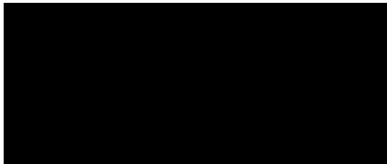


DOC/2017/02153-03

June 28, 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 #: MAE/26/2017]

On June 2, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"In the First Half of 2015 The Town of Pouch Cove was in contact with the Fire Commissioner of the Province of Newfoundland and Labrador regarding the Pouch Cove Foundation Inc. property located at 14-20 Gruchy's Hill, Pouch Cove. We seek copies of all communication and correspondence between the Province and the Municipality regarding same."

On June 5, 2017 via a telephone conversation and confirmed in an email that you agreed to the below wording:

"In the First Half of 2015 The Town of Pouch Cove was in contact with the Fire Commissioner of the Province of Newfoundland and Labrador regarding the Pouch Cove Foundation Inc. property located at 14-20 Gruchy's Hill, Pouch Cove.

We seek copies of all communication and correspondence between the Fire Commissioner and the Town of Pouch Cove from 2015 to present regarding the above issue."

I am pleased to inform you that a decision has been made by the Deputy Minister for Department of Municipal Affairs and Environment to provide access to some of the requested information.

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):

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

(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

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."

To clarify the information enclosed in this request, the emails present are from the town to the fire commissioner as the fire commissioner responses to these correspondences was done verbally via telephone.

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.

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 at 709-729-3514 or by e-mail at lisas@gov.nl.ca.

Sincerely,



Lisa Sullivan
IM/ATIPP Analyst

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).

Sullivan, Lisa

From: Barbara Tilley <townmanager@pouchcove.ca>
Sent: Wednesday, February 22, 2017 10:04 AM
To: Chippett, Jamie; Simmons, Derek
Cc: 'Joedy Wall'; Parsons, Kevin
Subject: RE: Electrical

Good morning,
Would you be able to provide an update on the matter below?

Thank you in advance,

Barbara Tilley
Town Manager/Clerk
Town of Pouch Cove
(709) 335-2848 (p)
(709) 335-2840 (f)
townmanager@pouchcove.ca

-----Original Message-----

From: Chippett, Jamie [mailto:JamieChippett@gov.nl.ca]
Sent: January-25-17 10:19 AM
To: Barbara Tilley; Simmons, Derek
Cc: 'Joedy Wall'; Parsons, Kevin
Subject: Re: Electrical

Derek is following up on this with SNL as well as on the questions of timeframes etc

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: Barbara Tilley
Sent: Wednesday, January 25, 2017 10:17 AM
To: Chippett, Jamie; Simmons, Derek
Cc: 'Joedy Wall'; Parsons, Kevin
Subject: FW: Electrical

Good Morning Jamie :

Would you please check with Service NL to see if the PC Foundation is compliant with the parameters of a temporary service? Thanks an advance.

Barbara Tilley
Town Manager/Clerk
Town of Pouch Cove
(709) 335-2848 (p)
(709) 335-2840 (f)
townmanager@pouchcove.ca

-----Original Message-----

From: Rob Tizzard [REDACTED]
Sent: January-25-17 9:26 AM
To: townmanager@pouchcove.ca
Subject: Electrical

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Hey Barb,

It's Rob Tizzard. I was speaking with an electrician about getting service to my garage and an interesting fact came up about temporary service. Apparently you are only allowed two plugs from the initial install and no more are allowed until inspection. Can you please follow up with service NL as well as there commissioner and anyone else that needs to know that this is not the case with the old school.

Thanks,

Rob

--
Rob Tizzard
Wealth Architect
709-341-7775

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

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Sullivan, Lisa

From: Joedy Wall <joedywall@pouchcove.ca>
Sent: Monday, March 23, 2015 9:54 AM
To: Simmons, Derek
Subject: Gruchys2.pdf
Attachments: Gruchys2.pdf

FYI.

Joedy R. Wall
Mayor, Town of Pouch Cove
Chairman, Jack Byrne Arena
(709) 335-2848 ext.114
joedywall@pouchcove.ca

Potential copyright material

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