

October 25 2017

[REDACTED] s.40(1)

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [JPS 128 2017]**

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Dear [REDACTED] s.40(1)

On October 19, 2017 the Department of Justice and Public Safety received a request for access to the following records:

*"Good day Ms. Kenny, This is an ATIPP Request for general information. Please refer to the attachment titled " OCIO May 5, 2017." As can be seen the original data was recoverable. Please refer to the attachment titled " Scott el-Gohary. In particular note the 7th email from Mr. Scott which is pasted below: Regarding the email above, my ATIPP Request is for all records relating to the ATIPP Request that Mr. Scott referred to. In particular it includes but is not limited to discussions whether to inform the applicant that certain records did not contain the original data referred to by the OCIO. As you know dates cannot be redacted. Please note the third attachment which is an Order from the Information and Privacy Commissioner in PEI. In particular please note what is stated regarding the redaction of email addresses. Apart from the ATIPP Request referenced above, my ATIPP Request is for all records relating to the changing fields that Mr. Scott referred to i.e. all records since the ATIPP Request referred to by Mr. Scott. It includes but is not limited to emails to or from Ms. Heather Jacobs, Mr. Don Burrage, Mr. Brian Furey and Mr. Rolf Pritchard. With respect to employees not longer with Justice, it includes emails that were migrated. MY ATIPP Request is also for all records that relate ATIPP Requests made to the Department of Justice which were reviewed by the OCIO and/or appealed to the Supreme Court of Newfoundland and Labrador, Trial Division."*

Please be advised that a decision has been made by the Deputy Minister for the Department of Justice and Public Safety, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with section 21. (1) (b) of the *Access to Information and Protection of Privacy Act, 2015* which provides that:

- 21. (1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that*
- (b) the request is for information already provided to the applicant;*

The *Access to Information and Protection of Privacy 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 you may 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).

If you have any questions, please feel free to contact me by telephone at 709-729-7906, or [ncroke@gov.nl.ca](mailto:ncroke@gov.nl.ca).

Sincerely,



Neil Croke  
ATIPP Coordinator

**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).