

November 17, 2017

[REDACTED]

[REDACTED]

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: HRS-34-2017]**

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On November 2, 2017 the Human Resource Secretariat (HRS) received your request for general information, as follows:

*"I am requesting any/all briefing notes, court case correspondence, emails, meeting minutes and telephone conversations regarding the dismissal of former High Sheriff Ernest Boone from October 2015 to February 2017. This request may have to include Department of Justice and Public Safety as well. Thanks"*

On that same day, I wrote you a message stating that your request related to the personal information of another individual and would therefore be protected under Section 40(4) of the *Access to Information and Protection of Privacy Act* ("the Act"), as follows:

- (4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where
- (c) the personal information relates to employment or educational history;
  - (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;

In that same message, I asked if you wished to withdraw your request. After some additional correspondence relating to who could access this information, you indicated that you did not wish to withdraw until you had confirmed answers to your questions. On November 10, you indicated that you were still awaiting a response from someone else on your questions.

Please be advised that based on a preliminary review of the records you have requested, the Deputy Minister of the Human Resource Secretariat has determined that access to these records has been refused in accordance with Section 40 of the Act, as outlined above, since it constitutes personal information of another individual.

The *Access to Information and Protection of Privacy 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 this decision and ask the Information and Privacy Commissioner to review the decision to deny 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).

If you have additional questions, do not hesitate to contact me by telephone 709-729-6158, or by e-mail, at [vburry@gov.nl.ca](mailto:vburry@gov.nl.ca).

Sincerely,



Veronica Burry  
ATIPP Coordinator, CIPP/C

## 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).