

December 21, 2017



s.40(1)

Dear :

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [JPS/157/2017]

On December 5, 2017 the Department of Justice and Public Safety received a request for access to the following records:

"I am requesting staff emails, ministerial memos and briefing notes, internal and external reports and consultations, estimates, and other documents pertaining to current planning, design and/or construction of the facility that will eventually replace Her Majesty's Penitentiary, as well as other new detention and correctional centres and/or expansion projects at existing facilities in the province. I am seeking information about the number of new facilities and expansion projects underway at any stage in development (including the stage where proposal development for consideration to the Minister takes place), the need/reasons for initiating these infrastructure projects, the number of additional prison beds being created, their security level, the costs (related to land acquisition, facility design construction, financing and maintenance), and other relevant information (e.g. planned staffing and programming, economic and other anticipated benefits, environmental impacts, etc.) Date range: 1 January 2013 to present"

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)(a) and 21(1)(c)(iii) 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*
- (a) the request would unreasonably interfere with the operations of the public body;*
 - (c) the request would amount to an abuse of the right to make a request because it is*
 - (iii) excessively broad or incomprehensible*

While you did modify the date range of your request to 2014 it would still constitute unreasonable interference with the operations of the public body and being excessively broad.

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).

Please note that this response 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.

If you have any further questions, please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Sonja El-Gohary".

Sonja El-Gohary,
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).