

[REDACTED]

June 14, 2018

Dear [REDACTED]

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act*, our file # TCII/20/2018

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On May 15, 2018 Tourism, Culture, Industry and Innovation received your request for access to the following records:

*I would like information regarding the agreement the department of Tourism, Culture, Industry and Innovation reached with Canopy Growth Corp. on or about December 8th, 2017, but more specifically information regarding the individuals who participated for both parties prior to and including the agreement being consummated. Which individuals acted for or on behalf of the department, or the Government of Newfoundland and Labrador and were these individual(s) at any time shareholders in Canopy Growth Corp. either before or after these negotiations began.*

Please be advised that the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation has reviewed this request and the Department has no records responsive to your request.

The following individuals from Tourism, Culture, Industry and Innovation (TCII) participated in discussions with Canopy Growth: Ted Lomond, Jeff Mercer, Ben Gardner, Liane Price, and Michael Day. Canopy Growth is a publicly held corporation. Individual shareholdings are not published, however, any government employee working on such a file would have been required to declare any potential interests in accordance with *Conflict of Interest* legislation and no such interests have been declared to date. As TCII is not in receipt of any conflict declarations with respect to Canopy Growth, to the best of our knowledge, information and belief, no TCII staff working on the agreement was or is a shareholder in Canopy Growth.

In regards to other Government of Newfoundland and Labrador employees working on the Canopy Growth agreement, the following names appear in TCII records: Julia Tomson (Department of Justice and Public Safety), Peter Fitzgerald (Department of Justice and Public Safety), and Steve Winter (Newfoundland Liquor Corporation). To the best of our knowledge, information and belief, none of these individuals was or is a shareholder in Canopy Growth.

Please be advised that 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. 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.

If you have any further questions, please feel free to contact me phone at (709) 729-3356 or by e-mail at [heatherbrown@gov.nl.ca](mailto:heatherbrown@gov.nl.ca)

Sincerely,



Heather Brown  
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).