

June 20, 2018

Dear [REDACTED]:

Re: *Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/146/2018]*

On June 8, 2018, the Department of Justice and Public Safety (JPS) received a request for access to the following records:

"I would like a copy of all emails, faxes written and any other form of complaints submitted against Management and staff of The Office of The High Sheriff from employees and the public from 2009 to current date."

On June 14, 2018, you limited your request to complaints submitted against the High Sheriff, Acting High Sheriff, managers and supervisors located at 319 Duckworth St. since 2009. However, based on searches conducted by JPS, the scope of the request remained excessively broad. This is not because there are necessarily a large number of complaints made against the Office of the High Sheriff, rather, it is due to the fact that any references, correspondence to/from the Office would be included in the results.

In an effort to ensure that the request could be processed without unduly interfering with operations, JPS requested (on various occasions, with no response received) that you confirm that specific search terms could be used to process your request. These search terms would continue to result in a large number of records having to be reviewed, however, they would reduce the number to a level that would not unduly interfere with operations.

Please be advised that a decision has been made by the Assistant Deputy Minister for JPS, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with subparagraph 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

*(c) the request would amount to an abuse of the right to make a request because it is
(iii) excessively broad or incomprehensible,*

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

Sincerely,



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).