

June 6, 2019

COR/2019/079792

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: HCS/082/2019]

On May 8, 2019, the Department of Health and Community Services (the Department) received your request for access to the following records:

“A list of briefing materials prepared for the deputy minister or the minister for the month of April 2019.”

As discussed, the list excludes cabinet secretariat briefing material. I am pleased to inform you that a decision has been made by the Department to provide access to some of the requested information. Access to the remaining information contained within the records has been refused in accordance with the following exceptions to disclosure as specified in the Access to Information and Protection of Privacy Act (the Act):

Policy advice or recommendations

29. (1)(a) *The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.*

Legal advice

30. (1) *The head of a public body may refuse to disclose to an applicant information:*
(a) *that is subject to solicitor and client privilege or litigation privilege of a public body; or*
(b) *that would disclose legal opinions provided to a public body by a law officer of the Crown.*

Disclosure harmful to the financial or economic interests of a public body

35. (1) *The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose:*
(d) *information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;*
(g) *information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body.*

Disclosure harmful to personal privacy

40. (1) *The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.*

The requested list is as follows:

- Decision Note/Direction Note - Addition of Midwives to the List of Eligible Occupations in the Health Professional Bursary Program
- Decision/Direction Note - Approval to sole source Therapy Assistance Online (TAO) and Mindwell-U for e-mental health services for 2019-2020
- Decision/Direction Note - Directive to Incorporate Mental Health Information within the Electronic Health Record
- Decision/Direction Note - Expansion of the Home First Integrated Network in Twillingate and Surrounding Areas
- Decision/Direction Note - Implementation of the Risk Assessment Instrument - Home Care (RAI-HC) Support Plan
- Decision/Direction Note - Influenza Pandemic Antiviral Stockpile of Zanamivir s. 35(1)(d)(g)

- Decision Note - Air Ambulance Supplemental Aircraft Retainer for June 2019
- Decision Note - Expansion of the Home First Integrated Network in Botwood and Surrounding Areas s. 30(1)(a) s. 30(1)(b) s. 40(1)
- Information Note - Automated External Defibrillator (AED) Registry - March 2019

- Information Note - Funding for a compounding pharmacy supervisor position in each regional health authority - April 2019 s. 29(1)(a)
- Information Note - Health Canada Investment of Two Million Dollars into Health Innovation
- Information Note - Proposed Expansion of Hermitage Clinic Hours
- Meeting Note - Meeting with Susan Sullivan Executive Director, Quality Living Alliance for Seniors, Michael Kirby and Sabrina Philpott April 9, 2019

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 address and contact information of 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*.

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 further questions, please contact the undersigned by telephone at 709-729-7010 or by email at MichaelCook@gov.nl.ca.

Sincerely,



Michael Cook
ATIPP Coordinator
/Enclosures

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).