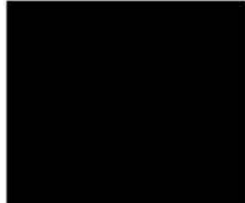


Response to Applicant – Access Refused

June 7, 2019



Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: OCIO/010/2019]

This is to confirm that on Wednesday, May 29, 2019, the Office of the Chief Information Officer received your request for access to the following records/information:

Public Procurement Agency RFP Number: OCIO.1819.003

1. What was the score of the highest Proponents going into the presentation.
2. What was the score of the highest Proponent's presentation.
3. Disclosure of how financial scores were calculated.
4. Release of successful Proponent RFP submission
5. Disclosure of successful Proponent - evaluation scoring by category
6. Evaluators notes / score cards for the highest short-listed Proponents that demonstrated
7. Award Report

Please be advised that a decision has been made by the CIO for the Office of the Chief Information Officer (OCIO) that access to these 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):

Section 39 (1)(a(ii))(b)(c(i)) Disclosure Harmful to Business Interests of a Third Party

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

Section 35 (1)(b)(d)(f)(g) 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;

(a) trade secrets of a public body or the government of the province;

(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value;

- (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
- (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;
- (e) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;
- (f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;
- (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; or
- (h) information, the disclosure of which could reasonably be expected to be injurious to the ability of the government of the province to manage the economy of the province.

The OCIO is still finalizing the contract for RFP OCIO.1819.003 and are not prepared to release information at this time.

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 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. The Act can be found using the following link <https://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm#39>.

Please be advised that this letter will be published following a 72 hour period after it 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 letter 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 me by telephone at 729-0467 or by email at reneependergast@gov.nl.ca.

Sincerely,



Renée Pendergast
ATIPP Coordinator, OCIO