

COR/2018/02752

June 11, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: TW/081/2018) - Notice of Disregard

On June 4, 2019, the Department of Transportation and Works received your request for access to the following records:

Please provide all tenders that were disqualified on the grounds of exceeding bid limits related to the Construction Safety Officer. I am looking for the disqualified company names, the disqualified tender amount, the amount the CSO line exceeded the limit, and the awarded contract amount. Please provide the RATC, backed up with the unit price schedules for each RATC (the CSO amount and subtotal is the important information needed).

Please be advised that a decision has been made by the Deputy Minister of Transportation and Works, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with subsection 21(1)(a) of the Access to Information and Protection of Privacy Act, 2015 (the Act) 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;

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 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 has been enclosed for your reference).

Sincerely,



Angela McIntyre
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).