

June 18, 2019

COR/2019/080044

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/083/2019]**

---

On May 21, 2019, the Department of Health and Community Services (the Department) received your request for access to the following records:

*“Any correspondence to or from the health department regarding patient-on-patient assaults or sexual assaults in long-term care homes in Newfoundland and Labrador from June 2018 to present.”*

Please be advised that access to this information 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):

**Disclosure harmful to law enforcement**

*31. (1)(a) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to interfere with or harm a law enforcement matter.*

**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.*

Please be advised that access has also been refused specified under s. 10(1) of the *Patient Safety Act*.

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](mailto: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).

*Patient Safety Act*

**Release of information**

**10.** (1) The *Access to Information and Protection of Privacy Act, 2015* does not apply to the use, collection, disclosure, release, storage or disposition of, or any other dealing with, quality assurance information.

(2) Notwithstanding the *Personal Health Information Act* or another Act or law, a person may release any information to a quality assurance activity committee.

(3) Notwithstanding subsection (2) or another Act or law, a person shall not disclose, release or access quality assurance information, even where it contains his or her personal health information, except as permitted under this Act.

(4) For the purpose of carrying out its duties and responsibilities under this Act, a quality assurance activity committee may require a health care provider or a person under the authority of a regional health authority who has information, or the custody or control of a document or record, relating to a close call or an occurrence being reviewed or investigated to provide the information, document or record in accordance with the regulations.

(5) If a close call or an occurrence involves more than one regional health authority, the quality assurance activity committees established to review or investigate it may share information, documents and records with each other to the extent necessary to properly carry out their duties and responsibilities.

(6) For the purpose of subsection (5), a document or record may contain personal information or personal health information.