

June 19, 2020



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

On June 6, 2019, the Intergovernmental and Indigenous Affairs Secretariat (Indigenous Affairs) received your request for access to the following records/information:

"Any reports or briefing notes, specifically on the subject of historical resources recovery and archaeological work, as related to the Muskrat Falls Hydroelectric Development. The search should cover 2010 to present. It is fair to exclude the more general project documents- I am looking for documents where the main subject is the archaeological work."

This was, through our email conversation of June 7, 2017, revised to:

"Any reports or briefing notes, **that were communicated to Indigenous Affairs**, specifically on the subject of historical resources recovery and archaeological work, as related to the Muskrat Falls Hydroelectric Development. The search should cover 2010 to present. It is fair to exclude the more general project documents- I am looking for documents where the main subject is the archaeological work."

Please be advised that a decision has been made by the Deputy Minister for Indigenous Affairs to provide access to some of the requested information (attached). Access to the remaining records, and/or information contained within the records, has been refused in accordance with Sections 36(a) of the Access to Information and Protection and Privacy Act (the Act). A copy of this section is enclosed.

Please note that most of the reports on the subject of historical resources recovery and archaeological work that were found during our search are publically available through the internet. These reports can be found at the following link:

[https://www.mae.gov.nl.ca/env\\_assessment/projects/Y2010/1407/index.html](https://www.mae.gov.nl.ca/env_assessment/projects/Y2010/1407/index.html)

As required by 8(2) of the Act, we have severed information that is exempt from disclosure and have provided you with as much information as possible.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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

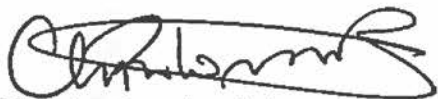
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

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 (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 require any further questions, please contact me by telephone at (709) 729-1773 or by email at [applebyc@gov.nl.ca](mailto:applebyc@gov.nl.ca).

Sincerely,



**Christopher Appleby**  
Senior Policy Analyst / ATIPP Coordinator

## Enclosures

### Disclosure harmful to conservation

36. The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to result in damage to, or interfere with the conservation of

- (a) fossil sites, natural sites or sites that have an anthropological or heritage value;
- (b) an endangered, threatened or vulnerable species, sub-species or a population of a species; or
- (c) a rare or endangered living resource. Access or correction complaint

### 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).

Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or [atippoffice@gov.nl.ca](mailto:atippoffice@gov.nl.ca).