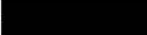


July 8, 2019



Dear 

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/55/2019]**

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On June 10, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

**“In late 2008, and up to May 15 2009, Officials from the Royal Newfoundland Constabulary in conjunction with Officials from Her Majesty’s Penitentiary did seek to integrate a member of Her Majesty’s Penitentiary into the Royal Newfoundland’s Constabulary’s Criminal Intelligence Unit. Seeking all emails, written correspondence text messages or any other form of tangible document in relation to the administrative details in seeking, securing and implementing that position. Including but not limited to the cost associated to that position including salary, training, overtime and so on. Any document that indicates the job description of that position. Any email, written document, correspondence, text message or any other tangible document regarding the administration of that position from the following individuals.**

**Graham Rogerson HMP**

**Don Roche, HMP**

**Owen Brophy HMP**

**Joanne Turner HMP**

**Robert Johnston, RNC**

**Sean Ryan, RNC**

**Jeff Janes, RNC**

**And any other individual who was involved in the implementation of that position.”**

On June 10, 2019, JPS advised you that it could not search the records of employees from the Human Resources Secretariat or the Royal Newfoundland Constabulary as they are separate public bodies from JPS, therefore, JPS does not have custody or control of their records.

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to most of the requested information. However, access to the remainder of the information has been refused in accordance with the following exception to disclosure, as specified in the **Access to Information and Protection of Privacy Act, 2015** (the Act):

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.

As required by subsection 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Additionally, please note that pages 2-3 have been removed as non-responsive, as they do not relate to the topic of your request.

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, 2015** (the Act) (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner 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 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).

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 questions please contact me by telephone at 709-729-7128, or by email at [sonjaelgohary@gov.nl.ca](mailto:sonjaelgohary@gov.nl.ca).

Sincerely,



Sonja El-Gohary  
ATIPP Coordinator

### **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).

## Discovery - Justice

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**From:** Noble, Paul  
**Sent:** Monday, January 5, 2009 4:39 PM  
**To:** 'Sean Ryan'  
**Subject:** RE: HMP

I think a secondment is an excellent idea. It has occurred to me that HMP is a gold mine of information.

[REDACTED] s.40(1)

Cheers for now.

-----Original Message-----

**From:** Sean Ryan [mailto:seanryan@rnc.gov.nl.ca]  
**Sent:** Monday, January 05, 2009 4:15 PM  
**To:** Noble, Paul  
**Subject:** RE: HMP

Just got off the phone with him Paul. Thanks. Incidentally we were discussing a secondment to this unit which would benefit both agencies. You will receive more details very soon. Your thoughts?

[REDACTED] s.40(1)

Cheers  
Sean

>>> "Noble, Paul" <pauln@gov.nl.ca> 1/5/2009 4:03 PM >>>  
Sean,

I asked Don Roche to copy you on this because I think it's important for CIU to be apprised of such information. You may wish to call him for further particulars.

Cheers,

Paul

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**From:** Roche, Don  
**Sent:** Monday, January 05, 2009 3:50 PM  
**To:** Rogerson, Graham J. M.; Noble, Paul; Gambin, Dean  
**Cc:** 'seanryan@rnc.gov.nl.ca'  
**Subject:** FW:

**Discovery - Justice**

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**From:** Noble, Paul  
**Sent:** Tuesday, March 24, 2009 2:50 PM  
**To:** Rogerson, Graham J. M.  
**Subject:** RE: Intelligence Position

Good stuff, thanks. What are selection criteria, out of curiosity?

Paul Noble  
Assistant Deputy Minister  
Public Safety and Enforcement  
Department of Justice  
St. John's  
Newfoundland and Labrador

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**From:** Rogerson, Graham J. M.  
**Sent:** Tuesday, March 24, 2009 2:04 PM  
**To:** Noble, Paul  
**Subject:** Intelligence Position

Interviews Friday, candidate identified by Tuesday & start on May 04.

GR

Graham Rogerson  
Superintendent of Prisons(A)  
HM.Penitentiary  
PO.Box 5459  
St.Johns. NL  
A1C 5W4  
Tel:(709) 729 - 2978  
[grahamrogerson@gov.nl.ca](mailto:grahamrogerson@gov.nl.ca)

**Discovery - Justice**

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**From:** Brophy, Owen G.  
**Sent:** Monday, March 30, 2009 2:30 PM  
**To:** Rogerson, Graham J. M.  
**Cc:** Roche, Don  
**Subject:** Intelligence Position

Hi Graham,

All five interviews for the intelligence position with the RNC are now completed.

The person selected was [REDACTED]

Sean Ryan would like to know what way you intend making the announcement, him or you? Doesn't matter to him

Mr. Roche has already informed him it would occur after the collective agreement is signed. They are looking at a start date of May 4<sup>th</sup>.

Owen