COR/2015/02638

August 26, 2015

Dear [Redacted]

RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File TW/036/2015 /Confirmation Code XH97EB)

On July 30, 2015, the Department of Transportation and Works received your request for access to the following records/information:

1. Copy of all structural reports and investigations performed by civil and structural engineers relating to the causes of the collapse of a concrete block wall which occurred on or about October 22, 2014 during building reconstruction at Roncalli School, St. John’s, NL.

2. Copy of all structural reports and investigations by civil and structural engineers in relation to assessments of the structural integrity of other concrete block walls forming part of the structural envelope of Roncalli School conducted following the October 22, 2014 wall collapse.

3. Copy of recommendations made by civil and structural engineers for the remediation/reconstruction of the collapsed wall and with respect to the maintenance of the structural integrity of other concrete block walls forming part of the structural envelope of Roncalli School.

4. Copy of all photographs taken both by engineering and other consultants, and by employees of the Provincial Government, of the collapsed wall.
5. Copy of photographs taken both by engineering and other consultants, and by employees of the Provincial Government, indicating specific remediation measures taken (including bracing and supports) to prevent collapse of other concrete block walls of the school.

As we discussed, the collapse took place between September 20, 2014 and September 21, 2014. As such, the records enclosed refer to the collapse of a concrete block wall at the Roncalli site in September 2014.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Transportation and Works to provide access to some of the requested information. In particular, access is granted to all records requested above. Access to information contained within the 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 40(1): Disclosure harmful to personal privacy.

A copy of the section has been included on page 4 of this letter.

As required by 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.

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 Office of Public Engagement's 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 feel free to contact the undersigned by telephone at (709) 729-6814 or by e-mail at janinemurphy@gov.nl.ca

Sincerely,

Janine Murphy
ATIPP Coordinator
Department of Transportation and Works
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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including
(i) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or
(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person’s personal privacy.
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.
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).
Structural Investigation and Recommendations
As part of the permanent remedial measures DBA is preparing a sketch of the base angle detail for the block walls and we send as soon as it's complete.

The temporary supports that were installed yesterday are sufficient until the permanent braces are installed as per the contract docs.

As part of the block wall permanent remedial measures Baraco will also need to install permanent angles at the base of the walls where the dowels were not installed.

Baraco will be temporary supporting the block wall from the inside on Level 2 with wood bracing. This will assist with any amount of force being applied from the outside. We will also be installing wind barriers to assist any force being applied from the inside.

Currently, the bent plate is not installed at level 2 or the roof line. I am working with Skyway Steel on getting these plates fabricated so we can install.
Mervin – Are you heading to site?
October 20, 2014

Natasha Smith | Project Manager
Special Projects Directorate
Department of Transportation & Works
Government of Newfoundland & Labrador
P.O. Box 8700, St. John's, NL A1B 4J6

Dear Natasha:

Re: Concrete Block Wall Collapse – Roncalli School Expansion

In accordance with DTW’s request the undersigned visited the above noted site during the afternoon of September 22, 2014 to conduct a structural investigation into the cause of a block wall collapse that was under construction at the time and to provide temporary support measures to another portion of block wall that was also under construction.

It is our understanding that on or before the early morning of September 22, 2014 a portion of block wall, located on Line Y5 between Lines X3 and X11, collapsed during a high wind event. At the time of the collapse the wall stood approximately two storeys high without any lateral support. It is also noted that another portion of block wall, located on Line Y5 between Lines X15 and X25, was partially constructed, similar to the wall that collapsed, but did not experience the same outcome.

During our visit, preceding the collapse, several structural deficiencies were identified in the wall that collapsed. These deficiencies, however, were not the direct cause of the collapse. The wall collapse occurred because it was not adequately braced at the time of the wind event. The contractor did not provide sufficient bracing to stabilize the wall, during construction, and as a result the high wind speeds caused the wall to become unstable and topple over.

Continued.../2
The deficiencies identified in the wall preceding the collapse were as follows:

1. The 15M dowels to be drilled and epoxy set into the existing foundation wall, as specified on structural Section 1/7.10, were not installed.
2. The adjustable masonry ties, used to tie the block walls to the floor beams, as specified on structural Detail 1/7.10, were not installed.
3. The strap anchors, used to tie the block walls to the steel columns, as specified on structural Detail 6/7.04, were not installed.

The section of wall that collapsed shall be re-constructed as per the contract documents and the contractor shall ensure that it is adequately braced during its construction. The other section of wall that remained was temporarily braced as per site instructions and the bracing shall remain in place until all permanent lateral supports have been installed as per the contract documents.

Since the time of our initial investigation the contractor has installed permanent lateral supports to the wall located between Lines X15 and X25 at the second floor level. However, the permanent lateral supports at the roof level have yet to be installed. The reconstruction of the block wall between Lines X3 and X11 is ongoing as per the contract documents.

I trust the above clarifies the reason for the wall collapse and outlines the measures to be undertaken to rectify this matter.

Yours truly,

[Name]

[Title]

Projects/14158/Structural Report Letter

PROVINCE OF NEWFOUNDLAND AND LABRADOR

PERMIT HOLDER
This Permit Allows

To practice Professional Engineering
In Newfoundland and Labrador.
Permit No. as issued by PEG GC189
which is valid for the year 2014.

Registered Professional Engineer

H. Mervin Morris

Date: 06/20/14

40(1) Disclosure harmful to personal privacy
Wall Before Collapse
Wall After Collapse