

Final Response

July 22, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-63-2019

On June 21, 2019 the Department of Fisheries and Land Resources (FLR) received your request for access to the following records

“I am looking for a copy of an e- mail fax letter that was sent out to Conservation Officers in Forestry Wildlife Clarenville Office Southern Bay Forestry/Wildlife Officer asking to document all overtime hours you have built up . The was set out by Ecosystems manger Tim Andrews between 2006 and 2011. Thank”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to the requested information. You will find a copy of responsive material attached.

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 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 this letter 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 contact me by telephone at 709-637-2354 or by email at Lisaneville@gov.nl.ca .

Sincerely,



Lisa Neville
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25 , of the costs of reproduction, shipping and locating a record.

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).

To: All District 2/3 Staff
From: Steve Mills, CO IV
Date: Monday, Jan 6, 2015
Subject: Attendance/Leave/Travel Claims/Overtime/Purchase Orders/Complaints/Inspections

- **Attendance/Activity Reports:** Staff are reminded that these reports are **WORK** plans/reports not **TRAVEL** plans/reports, detail is required when reporting. You must indicate in the attendance section, as well as the work plan section, **your hours of work, location of work, and identify the work that you were doing, or will do**, in that location. Attendance should be emailed to the CO IV and carbon copy (CC) the DEM and the Clerk by **10:00am Monday morning**. CO II's should also CC their attendance to the CO III Compliance.

- **Prior Approval for Leave:** Staff are reminded that proper procedure when taking leave would be to submit the leave request to your CO IV initially who would ensure that approval or denial is confirmed. This can be a verbal approval. In absence of CO IV the request can be submitted directly to the District Manager. Copies of signed leave request forms would then be returned to you while the signed original will be forwarded to Lynnette to be included with attendance. It should be noted that situations may arise that require an alternate approval process, however, leave requests submitted, that were not approved prior to being taken, **WILL NOT BE SIGNED**.

- **Regular Time off (RTO):** RTO does not require a leave request form but must be verbally approved by the COIV and identified on a weekly work plan. Every effort must be made to take off accumulated RTO within a two week period. If this is difficult to accommodate in your work plan discuss with the COIV.

- **Travel Expense Claims:** Staff are reminded to submit travel expense claims to the CO IV for initial approval prior to being signed off by the District Manager. Travel expense claims are to include the blanket journey authorization form, the signed journey authorization with specific travel details along with attendance that covers timeframe of travel.

- **Overtime (request for compensation):** Staff are reminded to submit overtime to the CO IV for signature prior to being signed off by the District Manager. **Overtime claims resulting from problem wildlife response are to reference the complaint number**. If claiming phone calls/emails while on duty shift a Record of Telephone Calls(For Overtime Compensation) form must be attached.

- **Purchase Orders:** Staff are reminded to submit all telephone quotations to the CO IV for review, if a valid purchase it will be forwarded to the District Manager for signature, if not it will be held for further review.

- **Complaints:** All complaints are to be entered into the complaint system. If complaint is dealt with by receiver, than action sections must be completed as applicable. **If complaint is detailed to another officer, an email must be sent to that officer to notify of complaint.**

- **All Inspection Reports:** : All Commercial Harvest/Domestic Harvest/Commercial Sawmill/ Domestic Sawmill and Load Slip inspections are to be sent to the CO III Compliance at the 6th of each month with Monthly Summary Report.

To: All District 2/3 Staff
From: Laurie Holloway, CO IV
Date: Monday, April 14, 2014
Subject: Attendance/Leave/Travel Claims/Overtime/Purchase Orders/Complaints/Inspections

- **Attendance/Activity Reports:** Staff are reminded that these reports are **WORK** plans/reports not **TRAVEL** plans/reports, detail is required when reporting. You must indicate in the attendance section, as well as the work plan section, your hours of work, location of work, and identify the work that you were doing, or will do, in that location. Attendance should be emailed to the CO IV and carbon copy (CC) the DEM and the Clerk Monday morning, **CO II's** should also CC their attendance to the CO III Compliance.

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- **Travel Expense Claims:** Staff are reminded to submit travel expense claims to the CO IV for initial approval prior to being signed off by the District Manager. Travel expense claims are to include the blanket journey authorization form, the signed journey authorization with specific travel details along with attendance that covers timeframe of travel.

- **Overtime (request for compensation):** Staff are reminded to submit overtime to the CO IV for signature prior to being signed off by the District Manager. Overtime claims resulting from problem wildlife response are to include the completed complaint form. If claiming phone calls/emails while on duty shift a copy of the duty log sheet with the phone calls/emails claimed for compensation should be indicated.

- **Purchase Orders:** Staff are reminded to submit all telephone quotations to the CO IV for review, if a valid purchase it will be forwarded to the District Manager for signature, if not it will be held for further review.

- **Complaints:** All initial electronic complaint forms are to be emailed to the CO IV and the officer detailed to for action and CC to the CO III Compliance and the District Manager. Completed electronic copies are to be emailed to the CO IV and CC to the CO III Compliance and the District Manager. All completed hard copies of complaints are to go to the CO III Compliance attached to Monthly Summary Report.

- **All Inspection Reports:** All Commercial Harvest/Domestic Harvest/Commercial Sawmill/ Domestic Sawmill and Load Slip inspections are to be sent to the CO III Compliance at the 6th of each month with Monthly Summary Report.