

August 23, 2019

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: AESL/061/2019]

On August 20, 2019 the Department of Advanced Education, Skills and Labour received your request for access to the following records/information:

“July 2019 information note titled "Policy Review of the Workplace Health, Safety and Compensation Review Division (WHSCRD) Annual Report.””

I am pleased to inform you that your request for access to this information has been granted in part. Access to the remaining records, and/or 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, 2015* (the act):

Section 29.(1)(b) The head of a public body may refuse to disclose to an applicant information that would reveal the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete and in respect of which a request or order for completion has been made by the head within 65 business days of delivery of the report;

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

Please note the WHSCRD Annual Report, attached to the requested Information Note, is currently in draft form. It will be tabled and publicly available by September 30, 2019 per the *Transparency and Accountability Act*. As such it has been redacted in its entirety per section 29.(1)(b).

The *Access to Information and Protection of Privacy Act, 2015* (act) requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Section 42 of the act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall 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

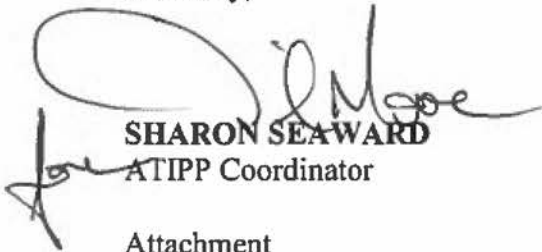
Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event you wish to appeal to the Supreme Court, you must do so within 15 business days of the date of this letter. Section 52 of the act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five 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 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 at (709) 729-4276 or SharonSeaward@gov.nl.ca.

Sincerely,



SHARON SEAWARD
ATIPP Coordinator

Attachment

Information Note

Department of Advanced Education, Skills and Labour

Title: Policy Review of the Workplace Health, Safety and Compensation Review Division (WHSCRD) Annual Report (the report)

Issue: To provide the Deputy Minister with a copy of the draft 2018-19 Annual Report prior to finalizing for submission to Executive Council for formal policy review.

Background and Current Status:

- WHSCRD is a Category Three entity that requires an Annual Report be prepared and tabled by the Minister in the House of Assembly by September 30, 2019.
- AESL provides policy support to the entity but it reports through the Minister of ServiceNL.
- A first draft of the report was provided to the department on May 30, 2019 and departmental administrative feedback was provided to the entity on June 18, 2019.
- The administrative review ensures entities have a report as close to final as possible for the policy review.
- A second draft of the report was submitted to the department on July 2, 2019.
- The Public Engagement and Planning Division (PEPD) of Executive Council requires the draft annual report be submitted to them for formal policy review by July 16, 2019.

Analysis:

- June 18, 2019 administrative review feedback has been adequately addressed by the WHSCRD. The attached table identifies additional commentary for the entity to consider when formal policy review feedback is provided by PEPD later in July or early August.
- At this stage, the report is technically compliant with the *Transparency and Accountability Act*.

Action Being Taken:

- Subject to further input from the executive, the Policy, Strategic Planning and Quality Assurance Division will update the policy review feedback table and submit the report to PEPD by July 16, 2019.

Prepared/Approved by: R. Boychuk / A. Sutton / D. Dunphy

Deputy Minister Approval:

July 11, 2019

D. Dunphy for OM
July 11/19

Attachment

Attachment

WHSCRD 2018-19 Annual Report Policy Review Feedback

Page #	Policy Review Feedback	WHSCRD Response
NA	<ul style="list-style-type: none">The term "Act" should not be bolded throughout the document. Bolding should only occur when the proper title of legislation is referenced in the document.	
1	<ul style="list-style-type: none">Spell out and bold the reference to the Workplace Health, Safety and Compensation Act on this page.	
5, 6, 8 & 9	<ul style="list-style-type: none">Remove references to "measure" on page 5, 6, 8 and 9 as this is no longer required in accountability reporting. This is consistent with the WHSCRD 2017-20 Activity Plan, which did not reference measures.	
10	<ul style="list-style-type: none">Spell out and bold the reference to the Workplace Health, Safety and Compensation Act on this page.	