

August 14, 2019



Dear 

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/78/2019]**

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On July 31, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

**“On or about, February 20, 2014, to on or about April 24, 2014, a restricted range was created at HMP, using the living unit 4A housing quarters. Seeking the following information regarding that restricted range.**

**The number of inmates housed on that unit, per day. For each day that range was in operation. (Information available on PCOMS).**

**The total number of disciplinary charges under the Prisons Act/Prisons regulations, administered to the inmates housed on that range from the above noted time frame.”**

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to the requested information. Specifically, the number of inmates housed on that unit per day for each day the range was in operation.

Please note that paragraph 3(2)(a) of the **Access to Information and Protection of Privacy Act, 2015** (the Act) states that the purpose of the Act is achieved by “giving the public a right of access to records.” JPS does not have a record of the disciplinary charges administered to inmates housed in that range as charges are not tracked by the unit of where the inmate is housed.

The 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.

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 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,

A handwritten signature in cursive script that reads "Sonja El-Gohary".

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).

**JPS/78/2019: Restricted Range Counts**

Date	Count
2/20/2014	13
2/21/2014	10
2/22/2014	9
2/23/2014	9
2/24/2014	8
2/25/2014	11
2/26/2014	11
2/27/2014	12
2/28/2014	11
3/1/2014	12
3/2/2014	11
3/3/2014	11
3/4/2014	11
3/5/2014	11
3/6/2014	13
3/7/2014	13
3/8/2014	12
3/9/2014	12
3/10/2014	12
3/11/2014	12
3/12/2014	11
3/13/2014	11
3/14/2014	11
3/15/2014	11
3/16/2014	11
3/17/2014	11
3/18/2014	9
3/19/2014	10
3/20/2014	11
3/21/2018	11
3/22/2014	11
3/23/2014	11
3/24/2014	11
3/25/2014	10
3/26/2014	10
3/27/2014	12
3/28/2014	12
3/29/2014	12
3/30/2014	12
3/31/2014	12
4/1/2014	12
4/2/2014	12
4/3/2014	10

Date	Count
4/4/2014	11
4/5/2014	11
4/6/2014	11
4/7/2014	11
4/8/2014	11
4/9/2014	11
4/10/2014	11
4/11/2014	11
4/12/2014	11
4/13/2014	11
4/14/2014	11
4/15/2014	11
4/16/2014	11
4/17/2014	12
4/18/2014	12
4/19/2014	12
4/20/2014	12
4/21/2014	12
4/22/2014	12
4/23/2014	12
4/24/2014	7