January 27, 2016

Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) [Our file #ENV/003/2016]

On January 13, 2016 the Department of Environment and Conservation received your request for access to the following records/information:

"Details on any investigation done with respect to Wildlife / Conservation employees for misusing departmental funds, supplies and resources to help outside non-government organizations (i.e. Corner Brook Search & Rescue). Apparently, there were employee suspensions handed down to several employees with respect to this incident. I would like details on this incident."

Please be advised that a decision has been made by the Deputy Minister of the Department of Environment and Conservation to refuse access to the requested information in accordance with the following exception to disclosure, as specified in the Act:

33(2): The head of a public body shall refuse to disclose to an applicant all relevant information created or gathered for the purpose of a workplace investigation.

Section 15 of the Act requires us to provide an advisory response within 10 days of receiving a request. As this request has been completed by 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 the processing of your access request or you may appeal to the Supreme Court Trial Division. 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

In the event that you choose to appeal to the Trial Division, you must do so within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that this response will be published following a 72 hour period after it 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 response 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, I can be reached by telephone at (709) 729-7183 or by e-mail at courtneyblundon@gov.nl.ca

Sincerely,

[Signature]

COURTNEY BLUNDON
Departmental ATIPP Coordinator

Enclosure:

Access to Information and Protection of Privacy Act – Section 33
Information from a workplace investigation

33. (1) For the purpose of this section

(a) "harassment" means comments or conduct which are abusive, offensive, demeaning or vexatious that are known, or ought reasonably to be known, to be unwelcome and which may be intended or unintended;

(b) "party" means a complainant, respondent or a witness who provided a statement to an investigator conducting a workplace investigation; and

(c) "workplace investigation" means an investigation related to

(i) the conduct of an employee in the workplace,

(ii) harassment, or

(iii) events related to the interaction of an employee in the public body's workplace with another employee or a member of the public

which may give rise to progressive discipline or corrective action by the public body employer.

(2) The head of a public body shall refuse to disclose to an applicant all relevant information created or gathered for the purpose of a workplace investigation.

(3) The head of a public body shall disclose to an applicant who is a party to a workplace investigation the information referred to in subsection (2).

(4) Notwithstanding subsection (3), where a party referred to in that subsection is a witness in a workplace investigation, the head of a public body shall disclose only the information referred to in subsection (2) which relates to the witness' statements provided in the course of the investigation.