

Response to Applicant - Partial Access Granted
Form 4B

September 16, 2019



S.40(1)

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [OCIO/014/2019]

On Wednesday, July 10, 2019, The Office of the Chief Information Officer (OCIO) received your request for access to the following records:

“copies of public records regarding Newfoundland and Labrador-in Canada's current State Park’s Reservation System, to include the following:

1. Copy of All Submitted Proposals
2. Copy of Evaluation Sheets including pricing.”

I am pleased to inform you that a decision has been made by the Chief Information Officer (CIO) for the OCIO to provide access to some of the requested information.

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 (the Act):

- S.31 (1)(l) – The report contains information that would reveal the arrangements for the security of property or a system, including a building, a computer system or a communication system.
- S. 35 (1)(d) –The report contains information, that if revealed, could reasonably be expected to result in significant loss or gain to a third party.

- S.39 (1)(a)(i)(ii), S.39(1)(b), S. 39(1)(c)(i)(ii)– The report contains intellectual property and proprietary information of a third party that was supplied in confidence. It also contains financial, scientific or technical information of a third party. If released it would harm the competitive position of the third party resulting in financial loss. This may result in similar information no longer being supplied to the public body, when it is in the public interest that similar information continue to be supplied.
- S.40 - The report contains information that if disclosed, would reveal personal information to an applicant where the disclosure would be an invasion of a third party's personal privacy.

Please be advised that the following pages were removed from the report in its entirety and have not been included in the response, as they have been severed based on the applicable sections listed below:

Section	Full Page Redactions
S.40(1)	37-46, 48-57, 265-270, 450-459, 645-649
S.39(1)(a)(i), S.39(1)(b), S.39(1)(c)(i)(ii), S.35(1)(d)	67-81, 355-360
S.39(1)(a)(i)(ii), S.39(1)(b), S.39(1)(c)(i)(ii), S.35(1)(d)	490, 494, 517-518, 528, 567, 572, 603-615, 620-621, 664
S.39(1)(a)(i)(ii), S.39(1)(b), S.39(1)(c)(i)(ii), S.35(1)(d), S.40(1)	563, 565, 566
S.39(1)(a)(ii), S.39(1)(b), S.39(1)(c)(i)(ii), S.35(1)(d), S.40	768
S.39(1)(a)(ii), S.39(1)(b), S.39(1)(c)(i)(ii), S.31(1)(l), S.35(1)(d)	666-672
S.39(1)(a)(ii), S.39(1)(b), S.39(1)(c)(ii), S.31(1)(l), S.35(1)(d)	704
S.39(1)(a)(i)(ii), S.39(1)(b), S.39(1)(c)(i)(ii), S.35(1)(d), S.31(1)(l)	846
Blank Pages	2, 4, 12, 14, 16, 180, 182, 198, 200, 202, 208, 241, 243, 339, 341, 394-424, 626- 627, 847, 854
This vendor submission has been excluded pending an appeal as per S. 42 (3)	240-432

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 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 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 (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please contact me by telephone at 729-2857 or by email at sherrydesouza@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sherry DeSouza', written in a cursive style.

Sherry DeSouza

ATIPP Coordinator

Enclosures

Disclosure harmful to law enforcement

31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to

(l) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

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.

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).

Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.

Response to Applicant - Partial Access Granted
Form 4B

September 20, 2019

S.40(1)



Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [OCIO.014/2019]

On Wednesday, July 10, 2019, The Office of the Chief Information Officer (OCIO) received your request for access to the following records:

“copies of public records regarding Newfoundland and Labrador-in Canada's current State Park’s Reservation System, to include the following:

1. Copy of All Submitted Proposals
2. Copy of Evaluation Sheets including pricing.”

As a follow up to the letter that was sent to you on September 16, 2019, I am pleased to inform you that a decision has been made by the Chief Information Officer (CIO) for the OCIO to provide access to the remaining documents that were previously withheld due to a pending appeal submission.

Access to some of the 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):

- *S.31 (1)(l) – The report contains information that would reveal the arrangements for the security of property or a system, including a building, a computer system or a communication system.*
- *S. 35 (1)(d) –The report contains information, that if reveled, could reasonably be expected to result in significant loss or gain to a third party.*

- *S.39 (1)(a)(i)(ii), S.39(1)(b), S. 39(1)(c)(i)(ii)– The report contains intellectual property and proprietary information of a third party that was supplied in confidence. It also contains financial, scientific or technical information of a third party. If released it would harm the competitive position of the third party resulting in financial loss. This may result in similar information no longer being supplied to the public body, when it is in the public interest that similar information continue to be supplied.*
- *S.40 - The report contains information that if disclosed, would reveal personal information to an applicant where the disclosure would be an invasion of a third party's personal privacy.*

Please be advised that the following pages were removed from the report in its entirety and have not been included in the response, as they have been severed based on the applicable sections listed below:

Section	Full Page Redactions
S.40(1)	265-270
S.39(1)(a)(i), S.39(1)(b), S.39(1)c(i)(ii), S.35(1)(d)	355-360
Blank Pages	241, 243, 339, 341, 394-424

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 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 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* (a copy of this section of the *Act* has been enclosed for your reference).

If you have any further questions, please contact me by telephone at 709-729-2857 or by email at sherrydesouza@gov.nl.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sherry Desouza', with a stylized flourish at the end.

ATIPP Coordinator

Enclosures

Disclosure harmful to law enforcement

31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to

(l) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

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.

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).

Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.