April 22, 2014

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: FIN-7 2014)

On February 19, 2014, the Department of Finance received your request for access to the following records/information:

“Records created on the topic of casinos and/or casino gambling in Newfoundland and Labrador. Request includes briefing materials and/or position/policy materials prepared on the topic, in any and all formats, including paper and electronic, and any internal and inter-departmental correspondence. Date range of request is 2012-01-01 to the present.”

and

“Correspondence, in any and all formats, including paper and electronic, between the department and external party/ies about the possibility of opening a casino in Newfoundland and Labrador. Date range of request is 2012-01-01 to the present.”

On February 25, 2014 the Department advised you that the 30-day time limit for responding to your request had been extended for an additional 30 days because of the need for third party notification before access to the records could be granted. On April 7, 2014 I wrote to apprise you that in accordance with sections 29(2) and (3) of the Access to Information and Protection of Privacy Act we informed a third party that we feel some of its information should be released, and that you will be given access to that information unless the third party asks for a review under section 43(2) within 20 days after the date of that letter. That 20 day period will expire on April 27, 2014, and therefore release of that particular piece of information will depend on the response of the third party at that time.

The Department has reviewed your request in the context of the Act. The Department is able to provide you with partial access to the information that you have requested. Portions of the attached internal note has been severed in accordance with 7(2) of the Act as they are non-responsive to your request, or in accordance with Sections 18(1)(a)(v), 27(1)(b), and 27(1)(c)(i).
Section 18(1)(a)(v):
18. (1) In this section
   (a) "cabinet record" means
   (v) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet,

Section 27(1)(b):
27. (1) The head of a public body shall refuse to disclose to an applicant information that would reveal ...
   (b) commercial, financial, labour relations, scientific or technical information of a third party, that is supplied, implicitly or explicitly, in confidence and is treated consistently as confidential information by the third party;

Section 27(1)(c)(i):
27. (1) The head of a public body shall refuse to disclose to an applicant information that would reveal ...
   (c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to
   (i) harm the competitive position of a third party or interfere with the negotiating position of the third party;

Section 20(1)(a):
20. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
   (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

Please be advised during the Department's search for responsive records, we identified two other documents that had information concerning casinos. However, upon further review and consideration it was determined a large portion of the documents were unrelated to your request. A review of the responsive materials determined it is exempt from disclosure under sections 18(1)(a)(v), 27(1)(b), 27(1)(c)(i), and 20(1)(a). The remaining information contained in the documents is considered to be disconnected snippets of information and therefore will not be released.

From time to time the Department of Finance receives information concerning casinos. The Department notes that no casinos have been approved to this point in time.

Section 43 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 60 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  
34 Pippy Place  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8  
Telephone: (709) 729-6309  
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 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 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 feel free to contact the undersigned by telephone at 729-2907 or by e-mail at wnorman@gov.nl.ca.

Sincerely,

Walter Norman  
ATIPP Coordinator
Information Note
Department of Finance

Title: Casinos in Newfoundland and Labrador

Issue: Provide an overview of a proposal to develop a casino at [redacted]

Background and Current Status: [redacted]
• [redacted] has approached the province regarding a proposal to enter into a public-private partnership with the view of developing a [redacted] casino located at [redacted].

• Under the proposal, responsibility for all aspects of gaming public policy would remain vested with the province. [redacted]

Non Responsive to Request
Provincial Gaming Policy

- The provincial government has the sole authority to operate/manage a casino within its jurisdiction.

- There have been a number of proposals presented to government requesting that the province sanction the operation of a casino.

- Furthermore, it is questionable whether any material fiscal or economic gains could be achieved, or whether they are worth any social policy trade-offs.

- Citing past practices in other jurisdictions where casinos have been established, the proponent concedes that a casino would attract few additional tourists to the Province and that the majority of its patrons would be residents of the Province.

- As gaming is largely a discretionary spending item, revenues generated by a casino may be offset by a reduction in Atlantic Lottery Commission (ALC) revenues or from other expenditures.

Drafted by/Approved by: D. Haynes
Approved by: Pending
April 2, 2012