

January 3, 2018



**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [IIAS 004 2017]**

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On August 31, 2017, the Intergovernmental and Indigenous Affairs Secretariat (Indigenous Affairs) received your request for access to the following records/information:

*"Any correspondence, email, text messages and briefing material related to the on going aboriginal missing and murdered women's inquiry. Time frame would be April 1, 2016 to Aug. 30, 2017."*

Please be advised that a decision has been made by the Deputy Minister for Indigenous Affairs to provide access to some of the requested information. Due to file size, the information has been provided in 30 attachments, binders one through thirty. Access to the remaining records, and/or information contained within the records, has been refused in accordance with Sections 27(1)(h), 27(1)(i), (27)(2)(a), 27(2)(b), 29(1)(a), 30(1)(a), 30(2), 34(1)(a)(i), 34(1)(a)(v), 34(1)(b), 35(1)(c), 35(1)(d), 35(1)(g), and 40(1) of the *Access to Information and Protection and Privacy Act* (the Act). A full list of the relevant legislation is enclosed.

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

Please note the full pages outlined in the below table have been redacted as non-responsive or under other redactions which are listed and will not appear in the attached records. The pages redacted as non-responsive do not contain information respecting the Missing and Murdered Indigenous Women and Girls National Inquiry and are not responsive to your request. As you will note the majority of the pages redacted as non-responsive were contained in notes that were prepared for meetings in which it was necessary to provide information on multiple topics. These included meetings with the Nunatsiavut Government and Federal Indigenous and Northern Affairs Canada Minister Bennett. Also, to follow the attached table, please refer to page numbers on the top middle of the records. Other page numbers included on the records were for processing purposes only.

Binder #	Non-Responsive	Other Redactions
Binder 1	7-8, 11, 21, 24-43, 49, 52-70	
Binder 2	36, 40, 63, 68, 70-73	28-29 - <u>s27(2)(a), s27(1)(h)</u>
Binder 3	5-17, 20-21, 23-35, 37-38, 41-54, 57-59	
Binder 4		13-20 - <u>s34(1)(a)(i), s34(1)(b)</u>
Binder 5	14-23, 27-30, 37-50, 54	96, 125-127, 131-135, 139-140 - <u>s34(1)(a)(i)</u> 129-130 - <u>s34(1)(a)(i), s34(1)(b), s30(2)</u>
Binder 6		39-40, 51-55, 64-66 - <u>s34(1)(a)(i), s34(1)(b), s30(2)</u> 42-43, 45, 59-60 - <u>s34(1)(a)(i)</u> 46-47, 49, 56-57 - <u>s34(1)(a)(i), s34(1)(b)</u>
Binder 7	34-36, 38-39, 48-49, 51-52	
Binder 8	26-29, 34-36, 40-43, 47-50	72-73 - <u>s34(1)(a)(i)</u>
Binder 9		43-56, 59-60, 68-73, 76 - <u>s34(1)(a)(i), s34(1)(b)</u> 61-63 - <u>s34(1)(a), s34(1)(b), s30(2)</u> 79-83, 86-87 - <u>s34(1)(a)(i)</u>
Binder 10	6-7, 22-23, 28-29, 34-36, 39	12-13, 43-44, 100-101 - <u>s34(1)(a)(i)</u> 50-57, 65-66 - <u>s27(2)(a), s27(1)(h)</u>
Binder 11		30, 34-35, 39-40 - <u>s34(1)(a)(i)</u>
Binder 12		8-9, 14-15, 38-40, 84-87 - <u>s27(2)(a), s27(1)(h)</u> 10-13, 20, 32-35 - <u>s27(2)(a), s27(1)(h), s30(1)(a)</u> 25 - <u>s27(2)(a), s27(1)(h), s29(1)(a)</u> 16-19, 21-24, 26-31 - <u>s27(2)(a), s27(1)(h), s29(1)(a), s30(1)(a)</u>
Binder 13	56, 67, 90	133-134, 136-137 - <u>s29(1)(a)</u> 135 - <u>s29(1)(a), s27(2)(a), s27(1)(i)</u> 69-76 - <u>s34(1)(a)(i), s30(1)(a)</u> 79-83 - <u>s34(1)(a)(i), s34(1)(b)</u>
Binder 14		7-10 - <u>s34(1)(a)(i)</u> 14-19, 22-25, 89-101 - <u>s34(1)(a)(i), s34(1)(b)</u> 21 - <u>s34(1)(a)(i), s34(1)(b), s40(1)</u>
Binder 15		84-86 - <u>s34(1)(a)(i), s34(1)(b)</u>

Binder 17		20-25 - <u>s30(1)(a)</u> 55-62, 64-82, 84-91 - <u>s34(1)(b)</u> 92-94, 96-120 - <u>s34(1)(a)(i), s34(1)(b)</u>
Binder 19		52-60 - <u>s30(1)(a)</u> 61-65 - <u>s34(1)(a)(i), s34(1)(b)</u> 69-74 - <u>s30(1)(a)</u>
Binder 20		4-6, 12-14 - <u>s27(2)(a), s27(1)(h)</u> 7-10 - <u>s27(2)(a), s27(1)(h), s30(1)(a)</u> 11 - <u>s27(2)(a), s27(1)(h), s29(1)(a)</u> 115-125 - <u>s30(1)(a)</u>
Binder 22	20-21, 24-25, 29-32	27-28 - <u>s34(1)(a)(i), s34(1)(a)(v)</u>
Binder 23		31-41, 51-60 - <u>s30(1)(a)</u>
Binder 24	24, 27, 31, 63-78, 81-91	
Binder 25	7-8, 11-12, 14-16, 18, 49-64, 67-77, 88-89	
Binder 26	3-4	
Binder 27	72-76, 79-84, 86-90, 93-96, 98-102, 105-110	151 - <u>s34(1)(a)(i)</u>
Binder 29		10-12, 14-17, 119-120, 154-155, 175 - <u>s30(2)</u> 122-123, 158-170, 179-192 - <u>s40(1)</u> 194-196 - <u>s35(1)(d), s40(1)</u> 62, 64-65, 224-230 - <u>s35(1)(d)</u>
Binder 30		12, 102-105, 149-151, 154, 172-174, 182 - <u>s30(2)</u> 15-28, 156-169, 194-197 - <u>s40(1)</u> 29-31, 185-190, 198-204 - <u>s35(1)(d), s40(1)</u> 57-63, 146-148 - <u>s35(1)(d)</u>

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. A 1 B 3V8

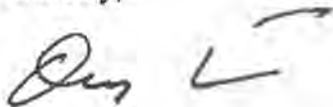
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

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).

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 require any further questions, please contact me by telephone at (709) 729-7487 or by email at [RCarter@gov.nl.ca](mailto:RCarter@gov.nl.ca).

Sincerely,



Ruby Carter  
ATIPP Coordinator

Enclosures

### **Cabinet confidences**

27. (1) In this section, "cabinet record" means

- (a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
- (b) draft legislation or regulations submitted or prepared for submission to the Cabinet;
- (c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;
- (d) a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material;
- (e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;
- (f) a record used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy;
- (g) a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet;
- (h) a record created during the process of developing or preparing a submission for the Cabinet; and
- (i) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

(2) The head of a public body shall refuse to disclose to an applicant

- (a) a cabinet record; or
  - (b) information in a record other than a cabinet record that would reveal the substance of deliberations of Cabinet.
- (3) Notwithstanding subsection (2), the Clerk of the Executive Council may disclose a cabinet record or information that would reveal the substance of deliberations of Cabinet where the Clerk is satisfied that the public interest in the disclosure of the information outweighs the reason for the exception.

(4) Subsections (1) and (2) do not apply to

- (a) information in a record that has been in existence for 20 years or more; or
- (b) information in a record of a decision made by the Cabinet on an appeal under an Act.

### **Policy advice or recommendations**

29. (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;
- (b) the contents of a formal research report or audit report that in the opinion of the head of the public body

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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; or

- (c) draft legislation or regulations.
- (2) The head of a public body shall not refuse to disclose under subsection (1)
  - (a) factual material;
  - (b) a public opinion poll;
  - (c) a statistical survey;
  - (d) an appraisal;
  - (e) an environmental impact statement or similar information;
  - (f) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies;
  - (g) a consumer test report or a report of a test carried out on a product to test equipment of the public body;
  - (h) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;
  - (i) a report on the results of field research undertaken before a policy proposal is formulated;
  - (j) a report of an external task force, committee, council or similar body that has been established to consider a matter and make a report or recommendations to a public body;
  - (k) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body;
  - (l) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or
  - (m) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.
- (3) Subsection (1) does not apply to information in a record that has been in existence for 15 years or more.

#### Legal advice

- 30. (1) The head of a public body may refuse to disclose to an applicant information
  - (a) that is subject to solicitor and client privilege or litigation privilege of a public body; or
  - (b) that would disclose legal opinions provided to a public body by a law officer of the Crown.
- (2) The head of a public body shall refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a person other than a public body.

**Disclosure harmful to intergovernmental relations or negotiations**

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
- (a) harm the conduct by the government of the province of relations between that government and the following or their agencies:
    - (i) the government of Canada or a province,
    - (ii) the council of a local government body,
    - (iii) the government of a foreign state,
    - (iv) an international organization of states, or
    - (v) the Nunatsiavut Government; or
  - (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.
- (2) The head of a public body shall not disclose information referred to in subsection (1) without the consent of
- (a) the Attorney General, for law enforcement information; or
  - (b) the Lieutenant-Governor in Council, for any other type of information.
- (3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 years or more unless the information is law enforcement information.

**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
- (a) trade secrets of a public body or the government of the province;
  - (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value;
  - (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
  - (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;
  - (e) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;
  - (f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;

- (g) information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body; or
  - (h) information, the disclosure of which could reasonably be expected to be injurious to the ability of the government of the province to manage the economy of the province.
- (2) The head of a public body shall not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done
- (a) for a fee as a service to a person or a group of persons other than the public body; or
  - (b) for the purpose of developing methods of testing.

#### **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).

Large file

This request is too large to post online. If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or [atippoffice@gov.nl.ca](mailto:atippoffice@gov.nl.ca).