May 16, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/41/2019]

On May 13, 2019 the Premier’s Office received your request for access to the following records/information:

"I would like to have all cost information for the premier for travel related expenses in past 4 years and any other relevant information regarding to expenses as well as all records of all Mhas travel and expenses in the past 4 years. As well as the cost breakdown for the tour bus and fuel related expenses."

For your information, travel expenses for the Premier, Ministers, Parliamentary Secretaries and Parliamentary Assistants are publicly available, and you can currently view expenses up to and including November 2018 at the following link: https://www.exec.gov.nl.ca/exec/cabinet/expenseclaims/index.html. Expense reports are released twice per year, and the next report will be posted in June. We will not be providing expenses for the period of December 2018 – May 2019 as the information will be available within 30 business days, in accordance with Paragraph 22(1)(b) of the Access to Information and Protection of Privacy Act, 2015, which states:

22. (1) The head of a public body may refuse to disclose a record or part of a record that
(b) is to be published or released to the public within 30 business days after the applicant’s request is received.

Our office does not maintain, and is not responsible for, records of all MHA travel and expenses. The House of Assembly reports on expenses related to MHA’s and you can find expense reports here: https://assembly.nl.ca/Members/Expenses/default.aspx. If you require any additional information, you are required to file an ATIPP request with the responsible Department and/or the House of Assembly.

Information related to the cost breakdown for the tour bus and fuel related expenses are not the responsibility of the Premier’s Office. This would be the responsibility of the Liberal Party and is not available via ATIPP.
You may appeal this decision by asking the Information and Privacy Commissioner to review this response, 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 response and why you are submitting the appeal. Contact information for 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 this response, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

This response will be published as outlined on the Completed Access to Information Requests website. (http://atipp-search.gov.nl.ca/) If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

Joy Buckle
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).