

**Response to Applicant – Partial Access Granted
 Form 4B**

July 23, 2019

Section 40(1)



Dear [Redacted]:

Section 40(1)

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act File #: CSSD/47/2019

On July 16, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

“A list of briefing materials prepared for the deputy minister or the minister for the month of June 2019.”

I am pleased to inform you that a decision has been made by the Deputy Minister for Children, Seniors and Social Development to provide access to some of the requested information. In particular, access is granted to the following records:

List of Briefing Materials – June 2019

TYPE	TITLE
Decision	Request for Retroactive Salary Increase Funding – Nain Group Home Inc. O/A Martin Martin Group Home (MMGH)
Information	Indigenous Child Welfare
Decision	2019 Seniors of Distinction Awards Recipients
Decision	Accessible Vehicle Funding Program Approval
Information	Kids Eat Smart (KES) Partner Recognition Breakfast
Decision	Athletic Excellence Fund (AEF) including the Premier’s Athletic Awards (PAA) Presentation
Information	2019 Premier’s Athletic Awards (PAA) and Team Gushue Award (TGA)
Information	2019 Elite Athlete Assistance (EAA) Recommendations
Information	2019-20 Small Grant Program – June 2019 Recommendations

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”):

- **Policy Advice or Recommendations**

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

- **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.*

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 note that the following records/information have been withheld in their entirety:

TYPE	NUMBER OF RECORDS	SECTION(S) CITED
Decision Note	One (1)	S. 29(1)(a), S. 40(1)

The *Access to Information and Protection of Privacy Act, 2015* ("the *Act*") requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

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 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 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

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 has been enclosed for your reference).

If you have any further questions, please feel free to contact me by telephone at (709) 729-6370 or by e-mail at andrealawlor@gov.nl.ca.

Sincerely,



Andrea Lawlor, B.A., B.S.W. (Hons), R.S.W.
Program and Policy Development Specialist / ATIPP Coordinator

Access to Information and Protection of Privacy Act, 2015

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).