

**Response to Applicant – Full Disclosure  
Form 4A**

September 11, 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/55/2019**

On September 4, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

*“July 2019 information note titled “Initiatives Related to Inclusion in Newfoundland and Labrador.”*

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 the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

The *Access to Information and Protection of Privacy 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 ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (“the Act”). 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.

The address and contact information of the Information and Privacy Commissioner is as follows:

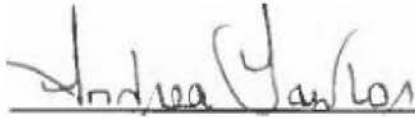
Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8

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*.

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

Sincerely,

A handwritten signature in black ink that reads "Andrea Lawlor". The signature is written in a cursive style and is positioned above a horizontal line.

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

Enclosure (1)

## **Access to Information and Protection of Privacy Act**

### **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).



**Information Note**  
**Department of Children, Seniors and Social Development**

**Title:** Initiatives Related to Inclusion in Newfoundland and Labrador

**Issue:** To advise the Minister of initiatives related to inclusion in NL in advance of the Commonwealth Parliamentary Association meeting in Halifax on July 15, 2019.

**Background and Current Status:**

- NL is working towards being a fully inclusive province where everyone has access and choices about participating in all aspects of their lives, such as going to school, getting a job, getting to a doctor's appointment, picking up groceries and taking part in community events.
- The Disability Policy Office (DPO) worked with key partners, including the Public Engagement Division (PED) and the Coalition of Persons with Disabilities NL, to create a fully inclusive engagement process to inform the development of accessibility legislation. The planning process also included consultation with the Advisory Council for the Status of Persons with Disabilities. Materials were available in print, braille, various accessible digital versions and ASL video with audio. ASL interpreting and captioning services were available at all of the public engagement sessions. Other supports were available upon request and participants could provide feedback in person, online, via email, phone, text or mail.
- DPO officials heard from many participants that these sessions were the most inclusive they have experienced. Follow up meetings have been held with officials from PED to discuss how inclusive practices can be incorporated in future consultation sessions.
- Government made a commitment to develop a model of providing supportive social programs and services to individuals based on the premise that all individuals are equal, are full citizens, and have the right to determine how they receive services based on individualized planning. An Individualized Funding (IF) Model has been drafted in collaboration with community partners and persons with disabilities. A demonstration project has begun with the Community Supports Program of the Department of Health and Community Services (HCS).
- An individualized approach to funding can assist in promoting independence, self-determination, community capacity and inclusion. Strong policies that support and recognize principles of IF will allow for evaluation, learning, flexibility, adaptability and change.
- The Autism Action Plan is a cross departmental plan with HCS as the lead and CSSD, AESL, EECD and JPS also having roles to play. The plan was developed with input from consumers and community stakeholders. The plan will provide increased services and supports for individuals living with autism spectrum disorder.
- The province is improving access to home and community support services by eliminating the criteria of IQ 70 from the current eligibility requirements. This means eligibility for support services will be based on functional need only and not IQ.

**Prepared/Approved by:** D. Barrett/A. Gogan/S. Walsh *Susan Walsh*  
**Ministerial Approval:** Received from Hon. Lisa Dempster

July 10, 2019

*[Signature]*  
 JUL 11 2019

### Potential Questions

Ms. Sherman, thank you for being here today and sharing your perspective, expertise and experiences. Your organization, ReachAbility operates in Nova Scotia, which has recently passed the **Nova Scotia Accessibility Act**. This is of great interest to me as the Minister Responsible for the Status of Persons with Disabilities in NL as we have conducted consultations to inform our own accessibility legislation. What aspects of the process of developing this legislation did you find beneficial? Is there anything that you would recommend doing differently now?

Do you have any advice as a leader in disability rights on how to continue the strength and momentum that is building across Canada to advance the inclusion of persons with disabilities?

We know stereotypes exist around persons with disabilities. Fighting stigma and developing a positive image of persons with disabilities is vitally important and is a core premise of what the Newfoundland and Labrador Government is working towards to have full inclusion for all. How does your organization ReachAbility and the programs and services it offers make real impact and change? How do you measure this?