

DOC/2019/01575-03

May 9, 2019



Dear [REDACTED]:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/086/2019]

On April 8, 2019, the Department of Municipal Affairs and Environment 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 March 2019."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, certain text 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, 2015 (the Act)*:

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

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 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. 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 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 have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,



Ryan Collins
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures

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).

MAE/086/2019 - List of Briefing Notes for March 2019

Title	Type of Document	Date
Freight Transportation Fuel Efficiency Program (FTFEP)	Decision/Direction Note	4-Mar-19
Request from the Town of Marystown for Ministerial Approval to Sell Ten (10) Industrial Real Property Lots for Less than Fair Market Value	Decision Note	4-Mar-19
Engagement and Consultation Plan - Review of Provincial Solid Waste Management	Review	5-Mar-19
Town of Petty Harbour/Maddox Cove Defined Benefit Pension Plan Request	Decision Note	6-Mar-19
Ryan Manuel Construction Ltd. Wood Ash Project Proposal	Information Note	7-Mar-19
Maintaining Own Source Revenue	Information Note	19-Mar-19
Status of the Iron Ore Company of Canada's (IOC) Projects and Approvals Currently with the Government of Newfoundland and Labrador for Decision	Information Note	20-Mar-19
Water Use Charges for Aquaculture Industry	Decision/Direction Note	21-Mar-19
Amendment to the St. John's Urban Region Regional Plan as proposed by the Town of Portugal Cove-St. Philips	Decision/Direction Note	25-Mar-19
Opt-in request from Suncor for the Barents Mobile Offshore Drilling Unit	Decision/Direction Note	26-Mar-19
[REDACTED]	Decision Note	26-Mar-19
Changes to the Hazardous Materials (HazMat) Program s.27(1)(i), s.27(2)(a)	Decision/Direction Note	27-Mar-19
Update on the Status of Environmental Assessment Conditions for the Big Triangle Pond Mineral Exploration Access Road Project	Information Note	27-Mar-19
Greenhouse Gas (GHG) Emissions Data for 2017	Information Note	27-Mar-19
Update on the Status of Environmental Assessment Conditions for the Indian Head Hatchery Expansion Project	Information Note	28-Mar-19
Update on the Status of the Conditions of Release for the Placentia Bay Atlantic Salmon Aquaculture Project (the Project)	Information Note	28-Mar-19