

DOC/2019/01762-02

May 7, 2019



Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: MAE/097/2019]

On April 25, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"On or about April 20, 2019, two persons were reported lost/disoriented in Trinity Bay, NL. Request copy of all documents related to this incident from Fire, Emergency and Corporate Services. This includes all correspondence during and following the incident, reports, log keeping and or notes and records of any telephone communications. Also request record of any expenses incurred to any private entities."

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.

Specifically, 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)*:

"Section 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."

This is because releasing this information may reveal personal information of identifiable individuals. Further to your request, please be advised that the Government of Newfoundland and Labrador contract helicopter was not deployed. As such, the Department did not incur any expenses with a private entity and has no related records for this part of your request. Any arrangements between the RCMP and a private entity would be within the purview of the RCMP.

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.

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).

Haskell, Ellen

From: Hogan, Blair
Sent: Thursday, April 25, 2019 11:54 AM
To: McCormack, David; Peddle, Paul W.; Kelly, Tara; Collins, Ryan
Subject: Fwd: 2 missing in Clarenville area

Hi Ryan and all

First email related to the missing individuals on the 20th.

Blair

Sent from my iPhone

Begin forwarded message:

From: <BlairHogan@gov.nl.ca>
Date: April 20, 2019 at 1:40:42 PM NDT
To: David McCormack <DavidMcCormack@gov.nl.ca>, "Paul W. Peddle" <ppeddle@gov.nl.ca>, Judy Bond <JudyBond@gov.nl.ca>, Derek Tilley <DerekTilley@gov.nl.ca>, Derek Simmons <dsimmons@gov.nl.ca>, "Events, Emergency Services" <ESEVENTS@gov.nl.ca>, Erin Shea <ErinShea@gov.nl.ca>, Jamie Chippett <JamieChippett@gov.nl.ca>, Lynn Robinson <LynnRobinson@gov.nl.ca>, Kelly Tara <tarakelly@gov.nl.ca>, Blair Hogan <BlairHogan@gov.nl.ca>
Subject: 2 missing in Clarenville area

Hi All

s. 40(1)

s. 40(1)

Sgt Danny Williams (██████████) called on behave of Con William Walsh (██████████) from Clarenville detachment. GSAR are requesting helicopter support in searching for 2 missing individuals in the Clarenville encatchment area.

2 hours as per protocol were approved. Will keep you posted.

Blair

Sent from my iPhone

Haskell, Ellen

From: Hogan, Blair
Sent: Thursday, April 25, 2019 11:55 AM
To: McCormack, David; Peddle, Paul W.; Kelly, Tara; Collins, Ryan
Subject: Fwd: 2 missing in Clarenville area

Hi All
Second email related to the meeting individuals on the 20th.

Blair

Sent from my iPhone

Begin forwarded message:

From: "Hogan, Blair" <BlairHogan@gov.nl.ca>
Date: April 20, 2019 at 1:47:42 PM NDT
To: "Hogan, Blair" <BlairHogan@gov.nl.ca>, "Simmons, Derek" <dsimmons@gov.nl.ca>, "McCormack, David" <DavidMcCormack@gov.nl.ca>, "Chippett, Jamie" <JamieChippett@gov.nl.ca>, "Robinson, Lynn" <LynnRobinson@gov.nl.ca>, "Peddle, Paul W." <ppeddle@gov.nl.ca>, "Kelly, Tara" <tarakelly@gov.nl.ca>, "Events, Emergency Services" <ESEVENTS@gov.nl.ca>, "Bond, Judy" <JudyBond@gov.nl.ca>, "Shea, Erin" <ErinShea@gov.nl.ca>, "Tilley, Derek" <DerekTilley@gov.nl.ca>
Subject: Re: 2 missing in Clarenville area

Hi All

We are currently on weather hold with the helicopter. I will keep you posted.

Blair

Sent from my iPhone

On Apr 20, 2019, at 1:40 PM, Hogan, Blair <BlairHogan@gov.nl.ca> wrote:

Hi All

s. 40(1)

s. 40(1)

s. 40(1)

Sgt Danny Williams (██████████) called on behalf of Con William Walsh (██████████) from Clarenville detachment. GSAR are requesting helicopter support in searching for 2 missing individuals in the Clarenville encatchment area.

2 hours as per protocol were approved. Will keep you posted.

Blair

Haskell, Ellen

From: Hogan, Blair
Sent: Thursday, April 25, 2019 11:59 AM
To: Kelly, Tara; McCormack, David; Peddle, Paul W.; Collins, Ryan
Subject: Fwd: Search Successful Results

Hi All

Third and final email related to the missing individuals on the 20th.

My call log sheet is at home and as Paul indicated, [REDACTED] My log sheet is my notes sheet that I use when a call comes in via Telelink.

Sincerely

Blair

Sent from my iPhone

Begin forwarded message:

From: "Hogan, Blair" <BlairHogan@gov.nl.ca>
Date: April 20, 2019 at 8:51:01 PM NDT
To: Danny Williams <Danny.Williams@rcmp-grc.gc.ca>
Subject: Re: Search Successful Results

Thank you Danny.

Blair

Sent from my iPhone

On Apr 20, 2019, at 7:06 PM, Danny Williams <Danny.Williams@rcmp-grc.gc.ca> wrote:

Hey Blair,

Both males located safe and sound. Thanks for your help today!

Danny

Haskell, Ellen

From: McCormack, David
Sent: Saturday, April 20, 2019 9:21 PM
To: Hogan, Blair
Cc: Simmons, Derek; Chippett, Jamie; Robinson, Lynn; Peddle, Paul W.; Kelly, Tara; Events, Emergency Services; Bond, Judy; Shea, Erin; Tilley, Derek
Subject: Re: 2 missing in Clarendville area

Positive outcome!!!

Sent from my iPhone

> On Apr 20, 2019, at 8:51 PM, Hogan, Blair <BlairHogan@gov.nl.ca> wrote:

>

> Hi All

>

> Both individuals have been located safe and sound.

>

> Blair

>

>

> Sent from my iPhone

>

>> On Apr 20, 2019, at 2:19 PM, McCormack, David <DavidMcCormack@gov.nl.ca> wrote:

>>

>> Thx Blair.....

>>

>> Sent from my iPhone

>>

>>> On Apr 20, 2019, at 1:47 PM, Hogan, Blair <BlairHogan@gov.nl.ca> wrote:

>>>

>>> Hi All

>>>

>>> We are currently on weather hold with the helicopter. I will keep you posted.

>>>

>>> Blair

>>>

>>> Sent from my iPhone

>>>

>>>> On Apr 20, 2019, at 1:40 PM, Hogan, Blair <BlairHogan@gov.nl.ca> wrote:

>>>>

>>>> Hi All

>>>>

>>>> Sgt Danny Williams (s. 40(1)) called on behave of Con William Walsh (s. 40(1)) from Clarendville detachment. GSAR are requesting helicopter support in searching for 2 missing individuals in the Clarendville encatchment area.

>>>>

>>>> 2 hours as per protocol were approved. Will keep you posted.

>>>>

>>>> Blair

Haskell, Ellen

From: Hogan, Blair
Sent: Sunday, April 28, 2019 3:29 PM
To: Kelly, Tara; McCormack, David; Peddle, Paul W.; Collins, Ryan
Subject: Requested info on missing individuals April 20th
Attachments: IMG_0937.JPG; ATT00001.txt

My field notes of the call

FES-NL On-Call Log for Blair Hogan

s. 40(1)

Date (dd/mm/yy)	Time (24 hour)	Caller (Name, rank, organization, location)	Contact information	Request made/information supplied	FES-NL Action(s)	Follow up required
20/04/19	13:19	Sgt. Danny W. For Cdn. William Walsh	[REDACTED]	Clareville RCMP Sgt. requesting helicopter support in the search for 2 missing in the Clareville encatchment area.	2 hours as per protocol were approved.	⊕ Phone number to Cdn. Walsh was issue connecting

* spoke to Cdn Walsh at 13:45 re: weather hold.

Notes:

- AIR DISPATCHED called at 13:33 PM
- AIR DISPATCHED called back at 13:44 saying helicopter on weather hold. I sent email to group at 13:47 PM informing group of the weather hold.
- At 19:06 PM, Sgt. Williams sent email to myself informing me that both males located safe and sound. He thanked me for my help.
- at 20:51 PM, I informed the group that both individuals have been located safe and sound.