January 29, 2016

Dear [Redacted]

Re: Your requests for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #:EC-3-2016, EC-4-2016, EC-5-2016]

On January 18, 2016, Executive Council received your request for access to the following records/information:

"Any and all forms of communications and or records relating to the removal of Milly Brown as Associate Secretary to Cabinet (Communications) with Executive Council." (EC-3-2016)

On January 18, 2016, Executive Council also received your requests for access to the following records/information:

"Any and all communication and records regarding the selection/hiring of Carla Foote's appointment as Associate Secretary to Cabinet (Communications) with Executive Council." (EC-4-2016)

&

"Any and all communication and records regarding the packages (severance, salaries, payout etc) for the outgoing and incoming Associate Secretary to Cabinet (Communications) with Executive Council." (EC-5-2016)

There is some overlap in the information requested, and as a result, we have combined your requests. Copies of the Orders in Council related to the revocation of Ms. Brown's appointment and the appointment of Ms. Foote can be found on our website at http://www.exec-oic.gov.nl.ca/public/oic/search.

In reference to the packages provided to the outgoing and incoming Associate Secretary to Cabinet for Communications with Executive Council, please see the table below prepared specifically for your request.
<table>
<thead>
<tr>
<th>Employee</th>
<th>Salary (annual)</th>
<th>Pay in Lieu</th>
<th>Severance</th>
<th>Paid Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milly Brown</td>
<td>$139,372</td>
<td>$56,285</td>
<td>$25,422</td>
<td>$35,040</td>
</tr>
<tr>
<td>Carla Foote</td>
<td>$114,946</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I am pleased to inform you that your request for access to the remaining records has been granted in part. Portion of the attached information, including pages 2-4, have been removed in accordance with subsection 40(1) of the Access to Information and Protection of Privacy Act (the Act), which states:

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.

We are unable to provide you with records that are considered an agenda, minute or other record of Cabinet. Therefore, access to page 10 -12 are withheld in accordance with the following exceptions to disclosure, as specified in the Act:

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

(e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;

(2) The head of a public body shall refuse to disclose to an applicant

(a) a cabinet record;

The Clerk of Executive Council has carefully examined and considered all records, materials and information withheld associated with this request and is satisfied that it does not meet the test for disclosure in accordance with subsection 27(3) of the Act.

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.

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.

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. It is the goal to have the responsive records posted to the Office of Public Engagement's 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)729-5691 or by e-mail at rachellecutler@gov.nl.ca.

Sincerely,

[Signature]

Rachelle Cutler  
ATIPP Coordinator

Enc.
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).
Hi Cindy
Revised termination profile and draft termination letter re: MB attached.

Renée Tinkov
Senior Human Resource Consultant
Strategic Human Resource Management Division
Human Resource Secretariat, Executive Council
(709) 729-5201 (office)
(709) 697-3631 (cell)
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This Executive Appointment Announcement is to be kept confidential until it is publicly released. Release is expected to go at 3:00 pm today.

Executive Appointments

I am pleased to announce the following appointments within the Executive group.

**Mark Ploughman** is appointed as Chief Executive Officer (Acting) of the Research and Development Corporation Newfoundland and Labrador.

**Carla Foote** is appointed as Associate Secretary to Cabinet (Communications) within Executive Council.

**Tracy King** is appointed as Assistant Deputy Minister of the Government Renewal Initiative Secretariat within Executive Council.

**Elizabeth Day** is appointed as Assistant Secretary to Cabinet (Social Policy) within Executive Council.

**Debbie Dunphy** is appointed as the Assistant Deputy Minister, Corporate Services (Acting), of the Department of Advanced Education and Skills.
Fiona Langor is appointed as Assistant Deputy Minister, Strategic and Corporate Services (Acting), of the Department of Justice and Public Safety.

These appointments are effective January 18, 2016.

Julia Mullaley

Biographical Information

Mark Ploughman

Mark Ploughman is currently the Assistant Deputy Minister (Innovation and Strategic Industries) with the Department of Business, Tourism, Culture and Rural Development. Mr. Ploughman has spent over 25 years in the manufacturing sector. He has extensive experience in quality assurance, operations management, human resource management, and new product development. Mr. Ploughman completed both his bachelor's degree in engineering and graduate degree in business administration at Memorial University.

Carla Foote

Carla Foote has served as Director of Communications in the Office of the Official Opposition for three years. She has spent the last 18 years in the communications sector working with public sector, not for profit and private industry. She has provided strategic communications advice to a variety of sectors from education and health care to aboriginal groups and the oil and gas industry. In addition to studying Political Science at Memorial University, Carla is a graduate of the Broadcast Communications program at the British Columbia Institute of Technology. She is a former executive member of the Canadian Public Relations Society – Newfoundland and Labrador, and a recipient of Rotary International’s Paul Harris Fellowship.

Tracy King

Tracy King began her career with the Government of Newfoundland and Labrador in 2000. Since 2012 she has been the Assistant Secretary to Cabinet (Social Policy). Previous to this position, she worked in the Department of Health and Community Services as Assistant Deputy Minister (Policy and Planning). Ms. King has held a variety of policy-related positions with the Departments of Justice, Fisheries and Aquaculture, Labrador and Aboriginal Affairs, Health and Community Services, the Intergovernmental Affairs Secretariat and Cabinet Secretariat. Ms. King holds a Bachelor of Arts in political science and a certificate in public administration from Memorial University.

Elizabeth Day

Elizabeth Day has been employed with the Newfoundland and Labrador public service for 31 years. She is currently an Assistant Deputy Minister in the Department of Seniors, Wellness and Social Development with responsibility for Seniors and Aging, Poverty Reduction, Disability Policy and Adult Protection. She has held previous executive positions in the Department of Advanced Education and Skills and the Office of Public Engagement. Ms. Day has held director positions within Service NL and Child, Youth and Family Services and has had progressive leadership responsibilities in the areas of legislative and policy development, program supervision, project management, staff development and training and horizontal government initiatives. She was awarded the title Fellow of the School of
Graduate Studies from Memorial University of Newfoundland (April 2000) in recognition of continued academic excellence throughout a graduate program. Ms. Day holds the degrees of Master of Social Work and Bachelor of Social Work from Memorial University and is a registered social worker with the Newfoundland and Labrador Association of Social Workers.

Debbie Dunphy

Debbie Dunphy joined the Government of Newfoundland and Labrador in 1997 as a Tax Compliance Officer with the Department of Finance. Since that time, she has held positions in several departments including Executive Council and Government Services and Lands. In 2005, she accepted the position of Manager of Budgeting with the Department of Justice and Public Safety and subsequently moved into the Departmental Controller’s position in 2007. In November 2015, she was appointed Assistant Deputy Minister (Acting) of Strategic and Corporate Services. Ms. Dunphy holds a Diploma in Business Management Accounting from the College of the North Atlantic and is a Chartered Professional Accountant.

Fiona Langor

Fiona Langor has been employed with the Provincial Government since 1994, and has held positions with the former Department of Industry, Trade and Technology, former Department of Business, and Office of the Executive Council. Most recently she served as Director of Policy and Strategic Planning with the Department of Justice and Public Safety. Prior to her employment with the Provincial Government, Ms. Langor spent four years with the Faculty of Business at Memorial University. She holds a Bachelor of Commerce (Co-operative) degree from Memorial University.
As you may be aware from my most recent e-mail communication, there has been a change in appointment of the Associate Secretary to Cabinet – Communications, effective today. A new Associate Secretary to Cabinet – Communications is appointed effective Monday, January 18, 2016.

I would ask that you please advise your communications staff of this change once the Premier's Press Release is issued. Release is expected to go at 3:00 pm today.

Julia Mullaley
Follow up Flag: Follow up
Flag Status: Flagged

From: Tinkov, Renee
Sent: Friday, January 15, 2016 3:26 PM
To: Hussey, Cindy
Subject: Milly Brown

If you are meeting with her over the weekend to clean out her office can you have her sign her termination letter. If not, I’ll contact her to come in next week.

Thanks,

Renée Tinkov
Senior Human Resource Consultant
Strategic Human Resource Management Division
Human Resource Secretariat, Executive Council
(709) 729-5201 (office)
(709) 697-3631 (cell)
(709) 729-5421 (fax)
rtinkov@gov.nl.ca

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