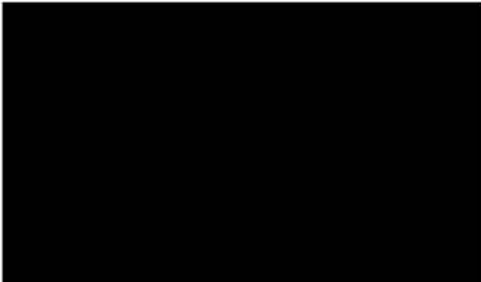


November 18, 2019



**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (File # NR-222-2019)**

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On October 23, 2019, the Department of Natural Resources ("The Department") received your request for access to the following records/information:

**It is my understanding that the Department of Natural Resources contracted with Rystad Energy to review potential for natural gas production in NL and worldwide. How much did DNR pay for this study? Was there a RFP issued or was it a sole source contact? Please provide a copy of the report prepared by Rystad.**

The Department advises that the Rystad Energy study was completed earlier this year at a cost of \$50,000. The RFP was issued on a limited call basis and Rystad was the successful bidder.

A decision has been made by the Department of Natural Resources, confirmed by the Deputy Minister, to refuse access to the requested report. The Department is relying on the following sections 29(1)(a) and 35(1)(f)(g) of *ATIPPA, 2015* to support this decision:

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;

35. (1)(f) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the

government of the province or a public body, or considerations which relate to those negotiations;

35. (1)(g) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body.

The Department asserts that S.35(1)(f) applies to the totality of the report because it would reveal positions or plans or considerations which relate to future negotiations, said negotiations being at a yet to be determined time in the future.

The Department would further assert that S.35(1)(g) would apply because the disclosure of the report could reasonably be expected to prejudice the financial interest of the Government of Newfoundland and Labrador by disallowing the best possible development opportunities which we would otherwise have access to if we reveal our yet to be determined plans so early in the development of this new industry.

In addition to the two subsections of 35.1, the Department further claims that S.29(1)(a) applies to specific portions of the report. The Department asserts that the information in the report was prepared to provide advice and recommendations to the minister for the possible development of a natural gas regime.

The Department contends that the Government of Newfoundland and Labrador must be allowed to develop the best possible natural gas program for the people of the province and to release the report prematurely would impair if not prevent that development. The Department states that once the framework has been developed then it could be feasible to release the report, however to do so this early in the process would impact future negotiations with operators, bring pressure to bear on the department when developing royalty or other fiscal regimes and could provide competitors with inside information that would lead to less than optimal benefits for the public.

As set out in section 42 of the Act you may ask the Information and Privacy Commissioner to review the department's decision to provide access to the requested information. 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 request should identify your concerns with the department's response and why you are requesting a review.

The request for review 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

Pursuant to section 52 of the Act, you may also appeal directly to the Supreme Court Trial Division within 15 business days after receiving the department's decision.

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.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at <http://www.atipp.gov.nl.ca/info/index.html>.

If you have any questions, please feel free to contact me at 709-729-0463 or [rhynes@gov.nl.ca](mailto:rhynes@gov.nl.ca).

Sincerely,

A handwritten signature in cursive script that reads "Rod Hynes".

Rod Hynes  
ATIPP Coordinator