

COR/2019/06775

December 9, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: TW/161/2019)

On November 21, 2019, the Department of Transportation and Works received your request for access to the following records:

Letter regarding the new francophone school in St. John's, sent by the department of Transportation and Works (office of Minister Crocker) to the Conseil Scolaire Francophone Provincial (maybe addressed to the president Brian Lee). Also looking to have the answer the CSFP sent to Minister Crocker to this letter. Those two letter were sent between June and November 2019.

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide access to the requested information. In accordance with your request, the appropriate records are attached.

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 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.

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* (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 contact me by telephone at 709-729-5351 or by email at ATTW@gov.nl.ca.

Sincerely,



Angela McIntyre
ATIPP Coordinator

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).

From: Eveline Ross-Phaneuf <communications@csfp.nl.ca>
Sent: Friday, October 11, 2019 3:53 PM
To: Dutton, Sean <SDutton@gov.nl.ca>
Cc: Kim Christianson <kchristianson@csfp.nl.ca>
Subject: CSFP: RFP for K-12 School in Greater St. John's



St. John's, NL, October 2, 2019

Subject: RFP for K – 12 School in Greater St. John's

Dear Mr. Dutton,

The Conseil scolaire francophone provincial Board of Trustees met on September 14, 2019 where they discussed the very important K-12 school and community center moving forward. They were very concerned about the RFP that was called out. Trustees addressed their concern about not following through with the first RFP that went out in December 2018. The committee had chosen one of the seven proposals; though the Department of Transportation & Works decided to end this RFP. A new RFP was then set out on August 8, 2019 to include the school of the deaf, without considering the CSFP's opinion. This new RFP was prepared to compare two buildings; former Holy Cross and the former school of the deaf without analyzing the location nor including the Galway site that the Board of Trustees had chosen as the ideal site for the new K-12 school and community center in Greater St. John's area. Thus, a motion was passed demanding the department to remove the former Holy Cross school building as a possible location and including an identified site acceptable to the CSFP as means of a comparison as the Board unanimously agrees that this would be a waste of public funds.

Résolution/CSFP/14septembre2019/961

Il est proposé par M. Charly Mini et appuyé par Mme Carole Gillingham que le président envoie une lettre au Premier Ministre de la province Hon. Dwight Ball, au ministre de l'Éducation et du Développement de la petite enfance, M. Brian Warr, au ministre des Transports et Travaux, M. Steve Crocker, au ministre responsable des Affaires francophones, M. Christopher Mitchelmore et à leurs sous-ministres, disant que le CSFP est opposé à l'inclusion de l'école Rocher-du-Nord dans l'appel d'offre du 8 août 2019, que l'école Rocher-du-Nord soit retirée de cette proposition, n'étant pas acceptable en raison de son emplacement, et qu'un deuxième site acceptable pour le CSFP soit identifié afin d'avoir une base de comparaison.

As Chair of the CSFP Board of Trustees, I seriously would encourage that the RFP Committee consider this request as they have emphasized that any other action would be a violation of the constitutional act.

Sincerely,

BRIAN LEE
Board Chair

Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador

65, chemin Ridge • Saint Jean (NL) • A1B 4P5 • Téléphone (709) 722-6324 • Télécopieur (709) 722-6325 •
www.csfp.nl.ca • conseil@csfp.nl.ca



- c.c. Honourable Dwight Ball, Premier
Mr. Brian Warr, Department of Education and Early Childhood Development
Mr. Steve Crocker, Department of Transportation and Works
Mr. Christopher Mitchelmore, Francophone Affairs
Mr. Cory Grandy, Department of Transportation and Works
Mr. Robert Gardiner, Department of Education and Early Childhood Development
Mr. Brian Evans, Department of Education and Early Childhood Development

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COR/2019/05618

OCT 23 2019

Mr. Brian Lee, Chairperson
Conseil scolaire francophone provincial
de Terre-Neuve-et-Labrador
Suite 212, 65 Ridge Road
St. John's, NL A1B 4P5

Dear Mr. Lee:

I am writing in response to your correspondence of October 2, 2019, conveying the board's view that the department remove the former Holy Cross School building as a possible location from the Request for Proposals (RFP) for the "Evaluation of Redevelopment Options for K-12 Francophone School and Community Centre, St. John's," and include an identified site acceptable to the board as means of a comparison.

As previously articulated to the CSFP, the purpose of this current RFP is to evaluate and assess existing school infrastructure within the greater St. John's metro area regardless of location. We recognize that the Galway site location with new construction is the preferred option for CSFP, but the evaluation of this piece of land is premature.

Government must conduct due diligence to assess/explore all possible options including potential redevelopment options before any final decision is made. The examination of the existing structures referenced in the RFP will not only inform Government of more options to serve the needs of the Francophone community for a Francophone School and Community Centre in St. John's, but may also inform the development of other infrastructure requirements across Government. If the scope of the work were to be reduced, it might be necessary to consider issuing a revised RFP, which would result in a further delay in completing the evaluation.

Sincerely,



STEVE CROCKER
Minister

cc. Hon. Brian Warr, Minister of Education and Early Childhood Development

"Work together...work safely."