

Final Response

January 30, 2020

Dear Applicant:

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-1-2020**

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On January 2, 2020, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“Unfortunately, not all facilities in NL are reporting the required data under the Aquaculture Activities Regulations. This is illegal. May I please have the annual stocking numbers (total numbers), annual mortality rates (total numbers) for all hatcheries in NL including and especially for lumpfish hatcheries or rearing facilities. May I also have the pesticide, therapeutic chemical, and antimicrobial usage for each lumpfish rearing facility in NL from Jan 1st 2015 to today by year. Also, a list of all flow through design hatcheries in NL.”**

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to part one, find a copy of responsive material attached. Part two of the request, there are no responsive records. The response to part three, your question regarding Flow through design hatchery is Bellorama.

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 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 this letter 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. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-637-2354 or by email at [Lisaneville@gov.nl.ca](mailto:Lisaneville@gov.nl.ca) .

Sincerely,



Lisa Neville  
ATIPP Coordinator

### **Right of access**

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25 , of the costs of reproduction, shipping and locating a record.

### **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).

	Company	Site Location	RECORD ID	Species	# Introduced	Developmental Stage	Mortalities Developmental Stag	Number of Morts
2015	Cold Ocean Salmon Inc.	Swanger Cove, Bay d'Espoir	AQ16-HAT-STAT-0001	Atlantic Salmon	1948855	Fry	Fry	78616
	Cold Ocean Salmon Inc.	Daniel's Harbour	AQ16-HAT-STAT-0003	Atlantic Salmon	2500000	Eyed Eggs	Fry	173282
				Atlantic Salmon	1500000	Eyed Eggs	Fingerlings	357387
	Northern Harvest Smolt Ltd	Stephenville	AQ16-HAT-STAT-0004	Atlantic Salmon	10397086	Eyed Eggs	Fingerlings	6298102
2016	Northern Harvest Smolt Ltd	Stephenville	AQ17-HAT-STAT-0001	Atlantic Salmon	10123830	Eyed Eggs	Fingerlings	1500000
							Eyed Eggs	3000000
							Fry	500000
	Cold Ocean Salmon Inc.	Swanger Cove, Bay d'Espoir	AQ17-HAT-STAT-0002	Atlantic Salmon	2200920	Fry	Fry	165281
				Atlantic Salmon	235520			
	Cold Ocean Salmon Inc.	Daniel's Harbour	AQ17-HAT-STAT-0003	Atlantic Salmon	2800000	Eyed Eggs	Fingerlings	620470
				Atlantic Salmon	700000	Eyed Eggs	Eggs	654040
	North Atlantic Aquaponics Ltd.	Robinsons	AQ17-HAT-STAT-0005	Eel	33000	Fingerlings	Fingerlings	8426
	Lester Farms Inc.	92 Pearltown Road	AQ17-HAT-STAT-0006	Tilapia	4250	Fingerlings	Fingerlings	12
	Cold Ocean Salmon Inc.	Belleoram	AQ17-TAT-RPT-0011	Lumpfish	29262			
	Cold Ocean Salmon Inc.	Belleoram	AQ17-TAT-RPT-0015	Lumpfish	5000			
2017	Northern Harvest Smolt Ltd	Stephenville	AQ18-HAT-STAT-0001	Atlantic Salmon	11665959	Eyed Eggs	Fry	490000
							Fingerlings	2100000
							Eyed Eggs	3000000
	North Atlantic Aquaponics Ltd.	Robinsons	AQ18-HAT-STAT-0002	Eel	374880	Fingerlings	Fingerlings	11246
				Eel	4881	Adult		
	Cold Ocean Salmon Inc.	Swanger Cove, Bay d'Espoir	AQ18-HAT-STAT-0003	Atlantic Salmon	3256358	Fry	Fry	1026164
	Cold Ocean Salmon Inc.	Daniel's Harbour	AQ18-HAT-STAT-0005	Atlantic Salmon	2610000	Eyed Eggs	Eggs	550000
				Atlantic Salmon	1930000	Eyed Eggs	Fingerlings	730000
	Lester Farms Inc.	92 Pearltown Rd.	AQ18-HAT-STAT-0006	Tilapia	3400	Fry	Adult	0
2018	Cold Ocean Salmon Inc.	Swanger Cove, Bay d'Espoir	AQ19-HAT-STAT-0001	Atlantic Salmon	2310638	Fry	Smolt	10990
							Fry	28587
	Cold Ocean Salmon Inc.	Daniel's Harbour	AQ19-HAT-STAT-0002	Atlantic Salmon	2140000	Eyed Eggs	Fingerlings	490000
				Atlantic Salmon	1620000	Eyed Eggs	Eggs	960000
	Northern Harvest Smolt Ltd	Stephenville	AQ19-HAT-STAT-0004	Atlantic Salmon	10231025	Eyed Eggs	Fry	1400000
							Fingerlings	560000
							Eyed Eggs	3000000
	Lester Farms Inc.	92 Pearltown Road	AQ19-HAT-STAT-0006	Tilapia	0	Fingerlings	Adult	2
	Cold Ocean Salmon Inc.	Belleoram	AQ18-TAT-RPT-0026	Lumpfish	137760			

2019 not yet available