

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-2-2020**

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On January 3, 2020, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“A list of open net pen aquaculture sites that have used lumpfish since 2015 with positioning for each. The Lumpfish mortality rates ie population numbers between stocking and depopulation for each site and how this was determined. For 2015 to present, the lice counts on lumpfish for each pen using lumpfish and whether *L. salmonis* was distinguished from *C. elongatus* and how, also how these counts were determined. The antimicrobial usage and pesticide usage by open net pen site from 2015 to today. A list of diseases and pathogens tested for in lumpfish in NL open net pens and hatcheries from 2015 to present and how these tests were performed. Also a list of those issues/pathogens found.”**

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to the requested information.

Please note, The NL FLR Cleaner Fish Surveillance Plan posted on the FLR website addresses the diagnostic testing strategy. Pathogens detected in lumpfish in NL are *Vibrio* species, including *Vibrio anguillarum* and *Vibrio ordalii*.

You will also find a copy of listing open net pen aquaculture sites that have used lumpfish attached.

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).

**List of sites that used lumpfish since 2015**

<b>Company</b>	<b>Site</b>	<b>Latitude</b>	<b>Longitude</b>
Cold Ocean Salmon Inc.	Robin Hood Cove	47.6251	-55.8785
Cold Ocean Salmon	Belleoram	47.5278	-55.4089
Cold Ocean Salmon	Belleoram	47.5278	-55.4089
Cold Ocean Salmon Inc.	Robin Hood Cove	47.6251	-55.8785
Cold Ocean Salmon Inc.	Robin Hood Cove	47.6251	-55.8785
Cold Ocean Salmon Inc.	Olive Cove	47.6446	-55.7353
Cold Ocean Salmon Inc.	Sugarloaf	47.7276	-56.1625
Cold Ocean Salmon Inc.	Olive Cove	47.6446	-55.7353
Cold Ocean Salmon Inc.	Northwest Cove	47.6500	-55.7669
Cold Ocean Salmon Inc.	Northwest Cove	47.6500	-55.7669
Cold Ocean Salmon Inc.	Killbuck Cove	47.6495	-56.2197
Cold Ocean Salmon Inc.	Manual Arm	47.6779	-56.1781
Cold Ocean Salmon Inc.	Belleoram Nursery	47.5278	-55.4089
Cold Ocean Salmon Inc.	Grip Cove	47.6413	-55.9166
Cold Ocean Salmon Inc.	Killbuck Cove	47.6495	-56.2197
Cold Ocean Salmon Inc.	Sugarloaf	47.7276	-56.1625
Cold Ocean Salmon Inc.	Manual Arm	47.6779	-56.1781
Cold Ocean Salmon Inc.	Robin Hood Cove	47.6251	-55.8785
Cold Ocean Salmon Inc.	Grip Cove	47.6413	-55.9166
Cold Ocean Salmon Inc.	Killbuck Cove	47.6495	-56.2197
Cold Ocean Salmon Inc.	Sugarloaf	47.7276	-56.1625
Cold Ocean Salmon Inc.	Matchems	47.6328	-55.8913
Cold Ocean Salmon Inc.	Belleoram Nursery	47.5278	-55.4089
Cold Ocean Salmon Inc.	Belleoram Nursery	47.5278	-55.4089
Northern Harvest Sea Farms NL Ltd.	McGrath's Cove South	47.6594	-55.3699
Northern Harvest Sea Farms NL Ltd.	Old Woman's Cove	47.6727	-55.3317
Northern Harvest Sea Farms NL Ltd.	Foshie Cove	47.6613	-55.1368
Northern Harvest Sea Farms NL Ltd.	Rencontre Island	47.6322	-55.2165
Northern Harvest Sea Farms NL Ltd.	Deep Water Point	47.6532	-55.2377
Northern Harvest Sea Farms NL Ltd.	Harvey Hill North	47.5610	-55.7468
Marine Harvest Atlantic Canada	Wallace Cove	47.7156	-56.3189
Northern Harvest Sea Farms NL Ltd.	Harvey Hill East	47.5385	-55.7562
Northern Harvest Sea Farms NL Ltd.	Little Burdock Cove	47.6383	-55.2340
Northern Harvest Sea Farms NL Ltd.	Broad Cove	47.5077	-55.7734
Northern Harvest Sea Farms NL Ltd.	Rencontre Island	47.6322	-55.2165