

January 29, 2020



Dear :

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/1/2020]

On January 3, 2020, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“November 2019 briefing note titled Electronic Monitoring RFP Timelines.”

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to the requested record. However, access to some of the information has been refused in accordance with the following exception to disclosure, as specified in the **Access to Information and Protection of Privacy Act, 2015** (the Act):

- 30(1) The head of a public body may refuse to disclose to an applicant information
- (a) that is subject to solicitor and client privilege or litigation privilege of a public body;

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.

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 Act (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

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 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 questions please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Sonja El-Gohary".

Sonja El-Gohary
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).

Decision Note
Department of Justice and Public Safety

Title: Electronic Monitoring RFP Timelines

Issue: To inform the Deputy Minister of JPS of timelines related to the RFP issued for Electronic Monitoring Equipment and seek guidance on notification to unsuccessful Proponents.

Background and Current Status:

- JPS issued an RFP to identify a suitable Electronic Monitoring (EM) vendor. JPS consulted with the Office of the Chief Information Officer (OCIO) during RFP evaluation. JPS anticipated the procurement process would be finalized by October 2019.

Analysis:

- JPS issued the RFP on August 22, 2019. The RFP closed on September 16, 2019. JPS received three bids for RFP evaluation. JPS initially evaluated the mandatory and rated criteria independently (September 16-18), pending OCIO evaluation to begin September 23, 2019.
- During a three day evaluation (September 23-25), OCIO concluded that two of the three bidders did not meet the Information Protection and Security requirements as outlined in the RFP. OCIO sent a formal evaluation disqualifying two potential Proponents and conditionally passing the remaining Proponent on September 30, 2019. OCIO continued to assess adherence to IP&S criteria for the remaining bidder and notified JPS on October 1, 2019 that the remaining bidder complied.
- JPS evaluated the remaining bidder, Buddi Inc., as per the mandatory criteria outlined in the RFP. JPS identified that Buddi Inc. was the successful Proponent on October 4, 2019.

• [REDACTED]

s.30(1)(a)

- On October 18, 2019, JPS sent an email advising bidders that the expected contract signage date was to be delayed until November 8, 2019. This delay has had an impact on the operational capacity of bidding companies as they are allotting resources to provide to NL.
- One of the vendors has been continuously calling JPS for an update on the status of the RFP.

• As Buddi Inc. [REDACTED] JPS would like to advise the disqualified bidders that they were unsuccessful.

s.30(1)(a)

s.30(1)(a)

- JPS has scheduled Buddi Inc. to visit NL and train Adult Probation Officers on November 18th, 2019 in anticipation of a January 2020 start date. A summary of the timelines is outlined below.

Event	Date
Electronic Mentoring RFP closed	September 16, 2019
JPS evaluation	September 16-19, 2019
OCIO evaluation	September 23-25, 2019
Date JPS determined successful Proponent	October 4, 2019
Initial anticipated contract signage date (RFP)	October 13, 2019
Extended contract signage date	November 8, 2019
EM training with Adult Probation	November 18, 2019

Action Being Taken:

s.30(1)(a)

- JPS will continue to work [REDACTED] and contract signature.
- Once a contract has been signed, JPS can advise the Public Procurement Agency of the successful Proponent.

Prepared/Approved by: J. Chidley/N. CrokeNovember 13, 2019