

Final Response

February 7, 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-7-2020**

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On January 10, 2020, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“Correspondence between the department and/or minister and Francois D'Amours, Senior Vice President Publication Papers, Kruger regarding Corner Brook Pulp and Paper Limited (CBPPL). Date range of request is Oct. 1, 2019, to the present. Request includes records in any and all formats, including paper and electronic.”**

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Redactions have been made under Section 39 – Third Party Harm of the **Access to Information Protection of Privacy Act, 2015**. You will find a copy of responsive material 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).



François D'Amours  
Executive Vice President

**Kruger Inc.**  
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Montréal QC H3S 1G5  
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November 1st, 2019

The Honourable Dwight Ball  
Premier  
Confederation Building  
East Block  
100 Prince Philip Drive  
St. John's, Newfoundland and Labrador  
A1B 4J6

Dear Premier Ball,

I would like to thank you for meeting with us on October 10 in St. John's to discuss the ongoing declining market in the newsprint industry and potential solutions to minimize the impact of production downtimes on our employees and operations in Corner Brook.

39(1)(a)(ii), 39(1)(b), 39(1)(c)(i), 39(1)(c)(ii), 39(1)(c)(iii)

Unlike our competitors who have taken several market related downtimes in 2019, so far Kruger has been able to maintain production at all of its paper mills. However, with a [redacted] the North American newsprint market has reached a critical point and a restructuring of the industry is expected in the coming months with potential permanent shutdowns of paper machines and mills.

Fortunately, our Corner Brook facility is competitive and we are confident in its ability to get through this difficult period. We have a unique opportunity to secure its operations for the long term if we work together and make the right strategic decisions in the short term, CBPP will be able to accelerate the diversification of its production.

39(1)(a)(ii), 39(1)(b), 39(1)(c)(i), 39(1)(c)(ii), 39(1)(c)(iii)

**Current situation for Corner Brook Pulp & Paper**

[redacted]

**Selling Power to NLH to mitigate impact on our employees**

As per the enclosed tentative schedule (Table 1), we are proceeding with a maintenance shutdown of Boiler 7 and PM7 from November 3 to 14, which will cut back [redacted] of newsprint. Thanks to an existing agreement, approximately [redacted] during this interruption, which will enable us to reduce the cost of the annual outage: [redacted]

39(1)(a)(ii), 39(1)(b), 39(1)(c)(i), 39(1)(c)(iii)



39(1)(a)(ii), 39(1)(b), 39(1)(c)(i), 39(1)(c)(iii), 39(1)(c)(ii)

As you will recall, our initial suggestion

[Redacted]

**Long-term strategy for CBPP**

Our goal is to get through this difficult period while preserving CBPP's ability to take on new business that will arise from the restructuring of the industry. In fact, as our Brompton (Quebec) mill continues its transition from newsprint to specialty products,

[Redacted]

39(1)(a)(ii), 39(1)(c)(i), 39(1)(c)(ii), 39(1)(b)

The other component of our strategy is to accelerate CBPP's own diversification. The advantage for Corner Brook is that it will benefit from experience that we already acquired in the diversification of our other facilities. We have given a mandate to KSH to come up with a first review of possibilities before Christmas.

We look forward to discussing this proposal with you and your team so that together we can protect our employees and operations while also bringing benefits to the community, to the NL forest industry and to Newfoundland and Labrador as a whole for many years to come.

Sincerely,

François D'Amours



39(1)(c)(ii), 39(1)(b), 39(1)(c)(iii), 39(1)(a)(ii)

Table 1



Corner Brook Pulp and Paper Limited (CBPPL)

39(1)(a)(ii), 39(1)(b), 39(1)(c)(i), 39(1)(c)(ii), 39(1)(c)(iii)

| Dates              | Activities |
|--------------------|------------|
| [Redacted content] |            |