

**Response to Applicant – Full Disclosure  
Form 4A**

November 28, 2019

Section 40(1)



Dear [REDACTED]:

Section 40(1)

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* File #: CSSD/67/2019**

On November 5, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

*“Decision Note from September 2019 titled “Additional Funding Request for Labrador Group Home Inc. (LGHI) related to Fiscal 2018-19 Operational Pressures.”*

I am pleased to inform you that a decision has been made by the Deputy Minister for Children, Seniors and Social Development to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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 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:

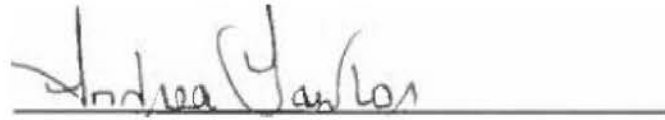
Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8

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*.

If you have any further questions, please feel free to contact me by telephone at (709) 729-6370 or by email at [andrealawlor@gov.nl.ca](mailto:andrealawlor@gov.nl.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Lawlor", is written over a horizontal line.

**Andrea Lawlor, B.A., B.S.W. (Hons), R.S.W.**  
Program and Policy Development Specialist / ATIPP Coordinator

Enclosure (1)

## **Access to Information and Protection of Privacy Act**

### **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 Children, Seniors and Social Development**

**Title:** Additional funding request for Labrador Group Home Inc. (LGHI) related to fiscal 2018-19 operational pressures.

**Decision/Direction Required:**

- Decision on whether to support the additional funding request of \$60,284.02 to address fiscal 2018-19 operational pressures of LGHI. Savings are presently anticipated to be available within the 2019-20 Grants and Subsidies to cover the requirement.

**Background and Current Status:**

- There have been consistent additional funding requests of this nature with \$69,403.79 previously approved for fiscal 2016-17 and \$47,285.87 for fiscal 2017-18.
- In April 2019, LGHI submitted a request for additional funding related to its fiscal 2018-19 operational overrun. As the audited financial statements for 2018-19 were not yet available, LGHI was advised that the request would have to be held until the statements were provided.
- The statements have now been completed and submitted with LGHI seeking our decision on the additional funding.
- \$31,174.15 of the request is related to additional leave costs incurred during the year. LGHI budgets for leave based on the annual allowance allotment for employees but consistently exceeds the amount due to employee usage of carryover/banked time.
- The remaining \$29,109.87 is for shift coverage requirements for the year. LGHI has noted that there are 32 hours per pay period that is not built into the present budget.
- In approving payment for fiscal 2017-18, to attempt to avoid having to deal with this on an annual basis, LGHI was requested to review its funding requirements and to submit a revised budget for consideration. No increased budget request was submitted by LGHI and its funding therefore has remained the same.

**Analysis:**

- These pressures are in keeping with the types of request for additional funding that are supported as per the Service Agreement and as per past practice.
- Based on the assessment of the March 31, 2019 audited statements, LGHI is not in a financial position to absorb the operational pressures identified.
- While LGHI recorded a surplus of \$53,746 for the 2018-19 fiscal, with an accumulated deficit of \$118,629 at the beginning of the year, a deficit of \$64,883 still remains as at fiscal 2018-19 year end. LGHI has no other means to absorb these costs.
- Quarterly cash flow submission by LGHI also shows the need for the additional funding to support operational requirements.
- As previously noted, to avoid these recurring requests, LGHI requires a budget review and increase. With expected upcoming licensing under our new legislation, we will ensure that the budget put forth by LGHI reflects actual needs.

**Alternatives:**

- Approve the request for payment of the \$60,284.02 to assist with operational pressures. CSSD will also ensure that an appropriate budget is approved in the licensing process to avoid continuation of additional requests. **(Recommended)**.
- Do not approve the request for \$60,284.02 from LGHI. This will most certainly result in operational pressures for LGHI for the remainder of this year. **(Not Recommended)**.

**Prepared/Approved by:** D. Martin/S. Jones

**Deputy Minister Approval:** S. Walsh

September 9, 2019

*Suean Walsh*  
*Sept 16/19*