

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

December 9, 2019

Section 40(1)



Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act File #: CSSD/72/2019

On November 14, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

“A breakdown of how many hours of overtime have been awarded (approved) at the CSSD office in Nain, by month, since October 2018.”

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.

Table 1: Approved Overtime Hours – October 2018 to October 2019

| DATE | TOTAL OVERTIME HOURS |
|----------------|----------------------|
| October 2018 | 124.5 |
| November 2018 | 12 |
| December 2018 | 26 |
| January 2019 | 3.5 |
| February 2019 | 0 |
| March 2019 | 18 |
| April 2019 | 11 |
| May 2019 | 1 |
| June 2019 | 3 |
| July 2019 | 50.5 |
| August 2019 | 86.75 |
| September 2019 | 66.5 |
| October 2019 | 45 |

It may sometimes be necessary to extend an employee’s work hours in order to ensure an adequate level of service is available to the public. Job vacancies can have an impact on the number of overtime hours that is required of an employee. These vacancies occur for a number of reasons, such as inability to recruit enough qualified workers, employee

turnover, and absenteeism due to leaves of absence. Employers can require longer work hours to make up for work handled by a full staff.

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.

Sincerely,



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

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).