May 9, 2013

Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, file # NR-007-2013

On March 13, 2013, the Department of Natural Resources received your request for access to the following records/information:

For the timeframe 1990-September 1, 2012. All records relating to disclosure, borrowing, and/or copies being made of GSI (operator code 838 pre 1982, and G0005 post 1982) seismic information, including any items that contain that seismic information, and reports, regardless of form, including but not limited to, correspondence, transmittals, copy requests, emails, and agreements relating to; Nalcor Energy, Newfoundland and Labrador Hydro, Hydro, and entities containing any portion of these names.

In addition, through email correspondence with the department’s ATIPP Coordinator you have provided some additional clarifications regarding the subject of your request. I have included those emails as attachments for your reference.

As you are aware, a 30-day extension was applied to the processing timeline of this request. This was necessary to enable the department to perform an exhaustive search of relevant records which spanned a 22-year time period (i.e., 1990 – 2012), as cited in your request. Search efforts revealed that the department does possess some GSI seismic information but no records were found that indicate that this information was disclosed to, borrowed by, or copied by Nalcor Energy, its subsidiaries, or any other third party external to the Department of Natural Resources. As such, please be advised that our records indicate that the Department of Natural Resources has no records responsive to your request.

Before closing, however, I would like to make several points in the interests of transparency and clarity:

1. It is not within the department’s legal mandate to collect, catalog, store or distribute seismic information for the use of external parties interested in offshore oil and gas exploration. This is clearly the mandate of the C-NLOPB. As such, the department’s services do not
include loaning or providing copies of such information to external parties, including Nalcor and its subsidiaries.

2. The department does not possess any of GSI’s digital seismic data (SEG-Y), nor has any such data ever been requested by the department from the C-NLOPB. The GSI seismic information found in the department consists entirely of seismic images, most of which are embedded within promotional materials such as posters and MS PowerPoint presentations. Several images were also found in paper format, amongst our archives, as received from the C-NLOPB many years ago.

3. At times, the department does request and receive seismic and other information from the C-NLOPB, a practice which is permitted under the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act. This information is used internally for analysis purposes and, where permitted, for promoting the province’s offshore to exploration and development companies. As noted above, some GSI seismic images appear in the department’s promotional materials. Given their very nature it is certain that external parties have viewed these materials and very likely that Nalcor staff are among those. It should be noted, however, that seismic images are only included in such products either with: a) the express permission from the data owner, as has been the case with GSI images on many occasions in the past; or, b) when confidentiality periods for the seismic information have expired. It should also be noted that, on many occasions, seismic images have been provided to the department by GSI with the express purpose of including them in promotional materials. In all such circumstances, GSI was credited for the images enabling both the province and GSI to benefit from the promotional exercise.

It is also pertinent for me to point out that the result of this ATIPP request and search are consistent with two other requests you have filed with the department.

- In 2010, you filed a request seeking “...dates of access, type of access, interpretation access, line names, form and format of data, and any maps, work products, or interpretations produced...” relating to the Labrador offshore region during the employment term of a particular employee of the department. At that time our search efforts identified only Microsoft PowerPoint slides, which were provided to you, that included GSI seismic sections (i.e., images) from the Labrador offshore.

- Also in 2010, you filed a request seeking “...all documents, forms, memos, correspondence where Nalcor gained any access to G.S.I. seismic data or work products.” At that time this was our response to you: “…our records indicate that the Department of Natural Resources has no records responsive to your request. It should be noted that, as a matter of course, the department does not share seismic data and/or associated work products with Nalcor Energy. Despite this, a thorough search was conducted for any evidence of access to such information by Nalcor and none was found.” The results of this current request have reconfirmed that earlier finding.
Section 43 of the Access to Information and Protection of Privacy Act (the Act) provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. A request to the Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Information and Privacy Commissioner. The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
34 Pippy Place
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that Access to Information response files, including response letters such as this one, and responsive records where applicable, will be published following a 72 hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive files posted on the Office of Public Engagement's website within one business day following the applicable period of time. Please note that your identity and any other personal information that may exist in the response file will not be made public. Please note also that no portion of requests for personal information will be published.

If you have any further questions, please feel free to contact the department’s ATIPP Coordinator at (709) 729-3214.

Sincerely,

CHARLES W. BOWN
Deputy Minister