March 11, 2016

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act ("the Act"); Our File #: EDU/010/2016

On February 29, 2016, the Department of Education and Early Childhood Development received your request for access to the following records/information:

"Could you please supply me with a copy of the manual, policies or training materials used by ATIPP co-ordinators within Education that cover the processing of ATIPP requests dealing with personal information, specifically if a parent asks for information concerning their children."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development to provide access to the requested information.

The Access to Information Policy and Procedures Manual outlines the process for managing requests for access to information and is available online at [http://www.atipp.gov.nl.ca/info/index.html](http://www.atipp.gov.nl.ca/info/index.html). The Department of Education and Early Childhood Development does not have separate ATIPP policies for a parent requesting information for their children. When an applicant claims to have authority to act on behalf of another person, please be advised that the department must verify the identity of the applicant and obtain proof of authority when necessary.

Additionally, a student record is defined under Section 12 of the Schools Act (attached). Student records are not subject to the Access to Information and Protection of Privacy Act as per section 7(2) and Schedule A(q). Please also note that the department does not maintain student records. Information regarding students is typically in the custody and control of the school district.

The Access to Information and Protection of Privacy Act (the 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 this letter will be published following a 72 hour period after it 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 letter posted to the Office of Public Engagement's 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 further questions, please feel free to contact the undersigned by telephone at 709-729-1841 or by e-mail at brian.evans@gov.nl.ca.

Sincerely,

Brian Evans
Director of Information Management & Special Projects
ATIPP Coordinator

Enclosures
Conflict with other Acts

7. (1) Where there is a conflict between this Act or a regulation made under this Act and another Act or regulation enacted before or after the coming into force of this Act, this Act or the regulation made under it shall prevail.

(2) Notwithstanding subsection (1), where access to a record is prohibited or restricted by, or the right to access a record is provided in a provision designated in Schedule A, that provision shall prevail over this Act or a regulation made under it.

(3) When the House of Assembly is not in session, the Lieutenant-Governor in Council may by order amend Schedule A, but the order shall not continue in force beyond the end of the next sitting of the House of Assembly.
Schedule A

(a) sections 64 to 68 of the Adoption Act, 2013;

(b) section 29 of the Adult Protection Act;

(c) section 115 of the Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act;

(d) sections 69 to 74 of the Children and Youth Care and Protection Act;

(e) section 5.4 of the Energy Corporation Act;

(f) section 8.1 of the Evidence Act;

(g) subsection 24(1) of the Fatalities Investigations Act;

(h) subsection 5(1) of the Fish Inspection Act;

(i) section 4 of the Fisheries Act;

(j) sections 173, 174 and 174.1 of the Highway Traffic Act;

(k) section 15 of the Mineral Act;

(l) section 16 of the Mineral Holdings Impost Act;

(m) subsection 13(3) of the Order of Newfoundland and Labrador Act;

(n) sections 153, 154 and 155 of the Petroleum Drilling Regulations;

(o) sections 53 and 56 of the Petroleum Regulations;

(p) section 21 of the Research and Development Council Act;

(q) section 12 and subsection 62(2) of the Schools Act, 1997;

(r) sections 19 and 20 of the Securities Act;

(s) section 13 of the Statistics Agency Act; and

(t) section 18 of the Workplace Health, Safety and Compensation Act.

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