September 20, 2013

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File # JUS/014/2013)

On September 5, 2011, the Department of Justice received your request for access to the following records:

"The incident report on the institutional disturbance which took place in Her Majesty's Penitentiary on Aug. 5-6, 2013. Request includes any assessment of damage done to the institution during the institutional disturbance including any cost estimates for repairs prepared for or provided to the provincial government."

I can advise that this matter has been referred to the Royal Newfoundland Constabulary (RNC) for a criminal investigation and any incident reports would have been provided to the RNC to assist with their investigation. Accordingly, the records you have requested are specifically excluded from the Access to Information and Protection of Privacy Act (the Act) pursuant to the following sections:

5(1) This Act applies to all records in the custody of or under the control of a public body but does not apply to

(1) a record relating to an investigation by the Royal Newfoundland Constabulary if all matters in respect of the investigation have not been completed;

Given that the criminal investigation is still ongoing, we are not in a position to provide any records responsive to your request.

If you have any further questions, please feel free to contact the Neil Croke, ATIPP Coordinator at (709) 729-7906.

Sincerely,

Heather Jacobs
Assistant Deputy Minister

4th Floor, East Block, Confederation Building, P.O. Box 8700, St. John's, N.L., Canada A1B 4J6