June 6, 2016

Dear [Name]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [CYFS/006/2016]

On April 17, 2016, the Department of Child, Youth and Family Services received your request for access to the following records/information:

Any and all records and information relating to the total annual costs for 2013, 2014, and 2015 with respect to Key Assets Newfoundland and Labrador Incorporated, specifically with respect to Key Assets Family-based care Pilot Project including, without limitation, such matters as: operating expenses, payroll and benefits, pension liabilities, all indirect supports to its operations including arbitrations, human resources support, external advice and consultants.

Please be advised that a decision has been made by the Deputy Minister for Child, Youth and Family Services to provide access to the requested information. As indicated in our May 13th letter to you, the request included information that, if disclosed, might affect the business interests of a third party as described in section 39 of the Access to Information and Protection of Privacy Act (ATIPP Act). As per section 19 of the ATIPP Act, we gave written notice to the third party that we intended to provide access to these records. The third party did not file a complaint or appeal the decision to release the information.

Additionally, as outlined in Section 8(2) of the ATIPP Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. Specifically, access to information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the ATIPP Act and/or the Child and Youth Care and Protection Act (CYCP Act):

ATIPP Act Section 40: Disclosure Harmful to Personal Privacy:
(1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

The ATIPP Act does not apply where,

CYCP Act Section 69:
Notwithstanding the Access to Information and Protection of Privacy Act, the use of, disclosure of and access to information in records pertaining to the care and protection of
children and youth obtained under the Act, regardless of where the information or records are located, shall be governed by this Act.

Definition Section 70:
In this Part, “information” means personal information obtained under this Act or a predecessor Act which is held in government records by, or is in the custody of or under the control of, the department, and includes information that is written, photographed, recorded or stored in any manner.

Please be advised that you may appeal this decision on the severing of the records and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the ATIPP 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner 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 ATIPP Act.

Please be advised that responsive records will be published following a 72 hour period after the response 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 responsive records 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 me by telephone at 729-7529 or by e-mail at saradow@gov.nl.ca

Sincerely,

Sara Dow
ATIPP Coordinator
Department of Child Youth and Family Services
Level 4 Agreements
Start up Costs and Monthly Budget
2015-16

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"ATIPPA Act S.40(1), CYCP Act S.69"