Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) (Our File #: HCS 010 2013)

On April 19, 2013, the Department of Health and Community Services (Department) received three requests from you for access to the following records/information:

"Copy of the Executive Note submitted by Larry Alteen to the Executive of the Department of Health and Community Services in the month of December 2012 or January 2013 regarding the Provincial Physician Recruitment Coordinator Position of the NLHBA.

Re: plan not to fill the position or other program development initiatives"

And:

"Copy of all current and deleted emails that were sent to and received from files that have been written by Dan Fitzgerald to Larry Alteen between November 1, 2012 to January 31, 2013 with any reference in the subject or content related to: body to the following:

*Recruitment
*Recruitment Office
*Provincial Physician Recruitment
*Provincial Physician Recruitment Coordinator
*Retirement
*Strategy
*Newfoundland and Labrador Health Boards Association"

P.O. Box 8700, St. John's, NL, Canada A1B 4J6 t 709.729.3125 f 709.729.0121
And:

"Copy of all current and deleted emails that were sent to and received from files that have been written by Larry Alleeen to Dan Fitzgerald (Medical Services, DHCS) between November 1, 2012 to January 31, 2013 with any reference in the subject or content related to:

*Recruitment
*Recruitment Office
*Provincial Physician Recruitment
*Provincial Physician Recruitment Coordinator
*Retirement
*Strategy
*Newfoundland and Labrador Health Boards Association"

As per a telephone conversation with the Department’s ATIPP coordinator, Rachelle Cutler, on April 23, 2013, these three requests were merged into one single, comprehensive request. Confirmation of your consent for the Department to take this action was received from you via email on April 23, 2013.

The Department has reviewed your request in the context of the Act. Please be advised that access to these records has been refused in accordance with subsections 18(1), 18(2), and 20(1) of the Act. Those sections read as follows:

"18. (1) In this section

(a) "cabinet record" means

[...]

(viii) a record created during the process of developing or preparing a submission for the Cabinet;"

"18. (2) The head of a public body shall refuse to disclose to an applicant a Cabinet record, including

[...]

(c) a supporting Cabinet record."

"20. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister; and
(c) consultations or deliberations involving officers or employees of a public body, a minister or the staff of a minister;”

A copy of the Act can be found at http://assembly.nl.ca/Legislation/sr/statutes/a01-1.htm.

Section 43 of the Act provides that you may submit a request to the Information and Privacy Commissioner to review this refusal of access, or you may appeal the refusal to the Supreme Court Trial Division. A request to the Commissioner must 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
2nd Floor, 34 Pippy Place
P. O. Box 13004, Str. A
St. John’s, NL A1B 3V8
Telephone: (709) 729-6309
Facsimile: (709) 729-6500
Email: oipc@gov.nl.ca

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 a copy of our response to your request will be published on the Office of the Public Engagement’s website five business days after the response is mailed to you. If you have any further questions, please feel free to contact Rachelle Cutler, ATIPP Coordinator at (709) 729-7776 or by email at RachelleCutler@gov.nl.ca.

Sincerely,

Bruce Cooper
Deputy Minister

/rc