June 23, 2016

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/36/2016]

On June 1, 2016, the Premier’s Office received your request for access to the following records/information:

"Any email conversations between the Premier and former Nalcor Chair Ken Marshall between April 17th and April 20th."

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier’s Office to provide access to the requested information. The only correspondence between the Premier and former Nalcor Chair Ken Marshall between April 17th and April 20, 2016 was released by the Premier’s Office on June 1, 2016. We have attached a copy of this correspondence for your review.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the 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.

The address and contact information of the Information and Privacy Commissioner is 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 Act.
Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically 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 (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

Joy Buckle
ATIPP Coordinator
Enclosure
Ball, Dwight

From: ken marshall <ken.marshall.709@gmail.com>
Sent: Wednesday, April 20, 2016 11:25 AM
To: Ball, Dwight
Cc: siobhancoadynl@gmail.com; g.shortall@rogers.com; Tom Clift; labbass@gmail.com
Subject: Re: Nalcor

Follow Up Flag: Follow up
Flag Status: Completed

Premier, we have taken pause in the Nalcor meetings to advise action and pending action of this morning.

As per your meeting with the CEO on April 19, 2016 the Board is terminating the employment of the CEO without cause, and provisions of article 16 subset c will be fully honoured, and corresponding severance implications. Your notes from this mornings press release indicate resignation, however the Board understands this was agreed that this was and is a termination without cause.

Nalcor Board

Sent from my iPhone

> On Apr 20, 2016, at 9:27 AM, Ball, Dwight <DwightBall@gov.nl.ca> wrote:
> Hi Ken
> We can discuss after your meeting
> Dwight
> -----Original Message-----
> From: ken marshall [mailto:ken.marshall.709@gmail.com]
> Sent: Wednesday, April 20, 2016 8:55 AM
> To: Premier, <Premier@gov.nl.ca>; Ball, Dwight <DwightBall@gov.nl.ca>; Coady, Siobhan <SiobhanCoady@gov.nl.ca>
> Cc: EMartin@nalcorenergy.com; Tom Clift <tclift@mun.ca>; g.shortall@rogers.com; labbass@gmail.com
> Subject: Nalcor
> Premier and Minister
> As I advised last week I have convened a meeting of the Nalcor Board this morning, and all members have travelled to be in attendance
> I understand that in your meeting with the Nalcor CEO last night that an agreement was reached regarding the CEO's departure from Nalcor and associated entities. Given that as proper governance would dictate, the CEO's employment contract rests squarely with the Board, the Board will be meeting on this matter and the resultant employment contract obligations as one of the items of business this morning.
Second, as we discussed, the Board will be reviewing and voting on the Short Term Incentive program for 2015. As I advised, the Board has a responsibility to the organization. Yes to the shareholder, yes to the employees, yes to the public, and overarching to the Corporation. As such, the matter of contractual obligations with compensation matters have to be dealt with by the Board. Should government, in its capacity as shareholder disagree with the Board, government will presumably take the requisite steps to amend, however in the interest of the organization we will make what we feel is the just and proper decision.

Third, the Board will be discussing an en masse resignation in light of these matters. Clearly, by reaching directly through to the CEO and deciding employment continuation, and from the recent Budget speech, government does not have proper confidence in the Board to continue in its duties and role. I can speak for all individuals on the Board that to a member, all have acted with proper and due care for the long term benefit of the organization and the people of this province.

I trust we will further discuss these matters either prior to or after our Board meeting. If there is anything you wish me to bring to the meeting scheduled for 10am this morning, please advise.

Ken

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