RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) [Our file #ENV/045/2014]

On December 1, 2014, the Department of Environment and Conservation received your request for access to the following records/information:

"Regulatory compliance request for residential property of 70 Power's Road, Goulds. Requesting any information that your department would have on file for this site regarding: (1) past and present environmental permits issued for the property; (2) chemical spills and/or leaks at the property; (3) the presence, specifications, and permitting of fuel storage tanks (above and belowground); (4) historical uses of this property that may have impacted on the property's present environmental condition (e.g. landfill, storage tank, farm, etc.); (5) non-compliance issues of an environmental nature regarding this property; and (6) other environmental issues that may have impacted the property's conditions."

Please be advised that our records indicate that the Department of Environment and Conservation has no record of past, pending, outstanding or ongoing orders or complaints related to compliance or any matter of environmental significance on file for the above mentioned property.

Further to your request, I am pleased to inform you that the Access to Information and Protection of Privacy (ATIPP) process is not necessary for requests of this nature. The Department's Pollution Prevention Division assists consultants on a regular and routine basis in completing property file searches for environmental compliance purposes. As these records are routinely disclosed to the public, requests should be made directly to the Pollution Prevention Division. This is in accordance with Section 3(2) of the Act:

Section 3(2): "This Act does not replace other procedures for access to information or limit access to information that is not personal information and is available to the public."
To request a review of the Department of Environment and Conservation’s records in relation to a referenced property, please contact Rhyder Evans, Departmental Program Coordinator, at 709-729-2612 or rhyderevans@gov.nl.ca.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this response or you may appeal to the Supreme Court Trial Division. A request to the information and Privacy Commissioner shall be made in writing within 60 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
Facsimile: (709) 729-6500

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 this response will be published following a 72 hour period after the response is sent electronically to you or five days in the case where the response is mailed to you. It is the goal to have the response 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 contact the Departmental ATIPP Coordinator at 709-729-7183 or courtneyblundon@gov.nl.ca.

Sincerely,

JAMIE CHIPPETT
Deputy Minister