November 22, 2013

Dear [s.30(1)]

Re: Your request for information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FA/28/2013]

On October 24, 2013, the Department of Fisheries and Aquaculture (DFA) received your request for access to the following records:

I am requesting, under the Access to Information Act, a copy of the review prepared for the provincial government by Burke Consulting Inc on a review of the Minimum Processing Requirements – as noted in a press release from DFA dated September 13, 2006.

I am pleased to inform you that your request for access to these records has been granted in part. Access to the remaining records, and/or information contained within the records, has been refused in accordance with Section 4 of the Fisheries Act, Section 6 (2) and Section 30 (1) of the Access to Information and Protection of Privacy Act (the “Act”), and Section 5 (i) of the Access to Information Regulations. Please see attached references.

As required by Subsection 7(2) of the Act, we have severed information that is excepted from disclosure and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal 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 are as follows:

Office of the Information and Privacy Commissioner
34 Pippy Place
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 responsive records will be published following a 72-hour period after the response is sent electronically to you, or five 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 Beth Bartlett, ATIPP Coordinator, at (709) 729-3712.

Sincerely,

[Signature]

David Lewis
Deputy Minister (A)

Attachments
**Fisheries Act Exceptions**

**Secrecy**

4. (1) The minister shall keep every return secret and, except for the purpose of a prosecution under this Act, shall not permit a person other than an employee of the department to have access to a return.

   (2) An employee of the department shall not disclose or permit to be disclosed to a person other than the minister or another employee of the department a return or part of a return coming to his or her knowledge which can be identified with or related to an individual return or individual person.

   (3) Notwithstanding subsections (1) and (2), the minister may, with the written consent of the person from whom a return is obtained, disclose information in that return.

   (4) In this section and section 5, "return" means information, oral or written, obtained as a result of a request under this section or section 5.

**ATIPPA Exceptions**

**Conflict with other Acts**

6. (2) Notwithstanding subsection (1), where access to a record is prohibited or restricted by, or the right to access a record is provided in a provision designated in the regulations made under section 73, that provision shall prevail over this Act or a regulation made under it.

**Disclosure harmful to personal privacy**

30. (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.

**Access to Information Regulations Exceptions**

**Designation of legislation**

5. For the purpose of subsection 6(2) of the Act, the following provisions shall prevail notwithstanding another provision of the Act or a regulation made under the Act:

   (i) section 4 of the *Fisheries Act*;
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.