Dear [redacted]

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* CYFS/01112014

On October 9, 2014, the Department of Child, Youth & Family Services received your request for access to the following records:

"I am requesting under the Access to Information Act a status update on each of the recommendations made by the Child and Youth Advocate to your department since 2012."

On November 10, 2014, you were advised that the 30-day time period for responding to your request had been extended for an additional 30 days as consultations with the Office of the Child and Youth Advocate (the Advocate’s Office) were required before it could be determined whether or not to grant access to the requested records.

Please be advised that the Advocate’s Office does not consent to the release of documents connected with its investigatory functions. The Advocate’s Office advises an investigation remains open until all recommendations are monitored and all actions are taken. The Advocate’s Office has advised it considers the follow up on the recommendations of all reports since 2012 to be connected with the investigatory functions of the Office. Based on the advice from the Advocate’s Office, and in accordance with Section 30.1(c) of the *Access to Information and Protection of Privacy Act* (the Act), access to these records has been refused.

Section 30.1 of the Act states:

30.1 The Speaker of the House of Assembly or the officer responsible for a statutory office shall refuse to disclose to an applicant information

(c) in the case of a statutory office as defined in the House of Assembly Accountability, Integrity and Administration Act, records connected with the investigatory functions of the statutory office.

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729.0958 f 709.729.1049 tty: 1-855-729-2044
Section 43 of the *Act* provides that you may ask 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 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 Information and Privacy Commissioner.

Records that are refused on the basis of section 21 (legal advice) or section 18(2)(a) (official cabinet record), you must appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

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 letter 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 the Director of Information Management and Protection, Ali Askary, by telephone at 729-1898 or by e-mail at aliaisar@gov.nl.ca.

Sincerely,

Genevieve (Gig) Dooling  
Deputy Minister

cc: Jean Tilley, Assistant Deputy Minister Corporate Services, CYFS  
    Paula Rodgers, Executive Director, CYFS