

September 21, 2016



s.40(1)

Dear  s.40(1)

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: SNL-045-2016]

On August 23, 2016, Service NL received your request for access to the following records/information:

"I am looking to obtain in it's entirety the CADO (Company and Deeds Online) database in it's current back end format (Most likely a Microsoft Access database or SQL). As per section 5, (2) A of the ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015, this act applies to all records in the custody of or under the control of a public body but does not apply to "...existing procedures for access to records or information normally available to the public, including a requirement to pay fees..." Based on my reading of the act and how the CADO system is structured, I am of the opinion that these records are not truly available to the public. Currently a user must access this database online using Internet Explorer 7, which is no longer supported by Microsoft, and leaves the end user vulnerable to malware/spyware. I doubt Ministers would be permitted to use IE7 at confederation building due to the threat of digital exploits. The CADO system built by x-wave is incredibly outdated. If this is truly considered "accessible" by the public, what other situations would be considered "accessible"? Could a department use an early interface from the 60s, 70s, or 80s to provide "access"? Could the registry of deeds be carved on stone tablets and be made available for viewing at a government building?"

After careful consideration of your request I would like to take this opportunity to advise that the information you have requested is already publicly available and accessible through existing procedures. The information contained in the Registry of Deeds and the Registry of Companies is publicly available and searchable either in person at the Registry office at 59 Elizabeth Avenue in St. John's or by online access via Companies and Deeds Online (CADO) at the following link: <https://cado.eservices.gov.nl.ca/>. Section 5(2)(a) of the *Access to Information and Protection of Privacy Act* (the Act) provides that the Act is in addition to existing procedures for access to records or information normally available to the public, including the requirement to pay fees. A copy of Section 5(2)(a) of the Act is enclosed for your reference.

Please allow me to provide you with details on how to access the information available through the Commercial Registrations Division.

For searching the Registry of Deeds or Registry of Mechanics' Liens there are several options:

1. Search online using the Internet Explorer web browser version 7, 8, 9, 10 or 11 (for registrations back to 1982 for the Deeds Registry) at <https://cado.eservices.gov.nl.ca/>. A user accessing CADO via the online website would be prompted to use Internet Explorer 7 or higher. This includes Internet Explorer 7, 8, 9, 10 and 11. Service NL has been working to expand online access through an ongoing project that is scheduled to be completed this Fall to provide online users with access to CADO through other browser types (Google Chrome, Firefox, Safari, etc).

- There will be a \$5 charge to see search results and an additional \$5 to see details for each registration from the search results on which you wish to view details; and,
- A system upgrade later this Fall is expected to permit all browser types to access CADO.

2. You can also visit the Registry office in person (or have someone visit on your behalf). The Registry is located at 59 Elizabeth Avenue, St. John's. Searches must be conducted during business hours for all registrations (back to 1825 for the Deeds Registry). Searching and viewing records on one of the 15 search stations are free inside the Registry but copies and printouts are \$0.25 per page.

For searching the Registries of Companies, Condominiums or Co-operatives there are similar options:

1. Search online using the Internet Explorer web browser version 7, 8, 9, 10 or 11 <https://cado.eservices.gov.nl.ca/Company/CompanyNameNumberSearch.aspx>. There is no fee to search and view corporate profile information and the system upgrade later this Fall will permit all browser types to access CADO.

2. As stated above, you may visit the Registry office (or have someone visit on your behalf) that is located at 59 Elizabeth Avenue, St. John's during regular business hours.

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 *Access to Information and Protection of Privacy Act* (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, Str. 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 completed ATIPP responses will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests 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 709-729-7437 or by email at ellenhaskell@gov.ni.ca.

Sincerely,



ELLEN HASKELL
ATIPP Coordinator

Application

5. (2) This Act

- (a) is in addition to existing procedures for access to records or information normally available to the public, including a requirement to pay fees;
- (b) does not prohibit the transfer, storage or destruction of a record in accordance with an Act of the province or Canada or a by-law or resolution of a local public body;
- (c) does not limit the information otherwise available by law to a party in a legal proceeding; and
- (d) does not affect the power of a court or tribunal to compel a witness to testify or to compel the production of a document.

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

- (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- (b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

- (a) a request that is disregarded under section 21 ;
- (b) a decision respecting an extension of time under section 23 ;
- (c) a variation of a procedure under section 24 ; or
- (d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).