COR/2016/04691

November 16, 2016

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/080/2016)

On October 18, 2016, the Department of Transportation and Works received your request for access to the following records:

All records related to the sit in by protesters in the lobby of confederation building on October 17

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Transportation and Works to provide access to some of the requested information. In particular, access is granted to the following records:

- Responsive records include email correspondence regarding the protest that occurred at Confederation Building on October 17, 2016.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40. (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.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

P.O. Box 8700, St. John's, NL, Canada, A1B 4J6
In accordance with your request for a copy of the records, the appropriate copies have been enclosed. Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner 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 (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records 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 the undersigned by telephone at (709) 729-5351 or by email at FrankWalsh@gov.nl.ca.

Sincerely,

Frank Walsh  
ATIPP Coordinator  
Department of Transportation and Works

Enclosures
Disclosure harmful to personal privacy

40. (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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or
(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.
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).
Responsive records include email correspondence regarding the protest that occurred at Confederation Building on October 17, 2016.
Key Messages – Protest at Confederation Building

October 17, 2016

- Security measures have been put in place as protesters entered Confederation Building.

- Protesting within Confederation Building at any time is not permitted as it poses a safety risk to employees and outside guests who use the building.

- Protesting outside of Confederation Building is allowed.

- The Confederation Complex is still open to employees and individuals with business at the buildings.

- Members of the media are still permitted to enter the building for regular business including any planned interviews with departments.

- No individuals are being permitted to join with the protesters who have entered Confederation Building. This includes members of the media, who are being asked to conduct interviews of the protest outside of the building.
Key Messages – Protest at Confederation Building
October 17, 2016

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- Protesting within Confederation Building at any time is not permitted as it poses a safety risk to employees and outside guests who use the building.

- The Confederation Building is still open to employees and individuals with official business at the buildings.

- Members of the media are still permitted to enter the building for regular business including any planned interviews with departments.
• The standard visitor process at Confederation Building includes:
  o Visitors are to have an appointment with officials within a department, or if no appointment had been previously arranged, security will contact the applicable department to see if someone is available to meet with the visitor, or to schedule a future appointment.

Visitors must sign in and present ID to building security to enter the building.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message
From: Roberts, Dave <robertsd@gov.nl.ca>
Sent: Monday, October 17, 2016 4:07 PM
To: Companion, Lori Anne; Grandy, Cory; Hussey, Cindy
Subject: Protestors

They just lowered two flags to half mast. TW Security guard is out putting them back up.
Please find attached KMs re: Security Measures for Entering Confederation Building.

If you like I can provide this as a statement to the media, or just CBC as that was the only outlet that made an inquiry.

Blair
Blair Medd
Director of Communications
Transportation and Works
W: 729-3015 C: 631-8465
blairmedd@gov.nl.ca
Key Messages – Protest at Confederation Building
October 17, 2016

• Security measures were put in place as protesters entered Confederation Building.

• Protesting within Confederation Building at any time is not permitted as it poses a safety risk to employees and outside guests who enter the building.

• The Confederation Building was open to employees and individuals with official business at the buildings.

• Members of the media were still permitted to enter the building for regular business including any planned interviews with departments.

• The standard visitor process at Confederation Building includes:
  o Visitors are to present a valid ID and have to sign in and out when entering and exiting the building.
  o Visitors are to have an appointment with officials within a department and have an official with the department escort the person to the appointment.
Peter,

Please find below information pertaining to access to Confederation Building today.

Blair

Security measures were put in place as protesters entered Confederation Building.

Protesting within Confederation Building at any time is not permitted as it poses a safety risk to employees and outside guests who enter the building.

The Confederation Building was open to employees and individuals with official business at the buildings.

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Blair Medd
Director of Communications
Transportation and Works
W: 729-3015 C: 631-8465
blairmedd@gov.nl.ca
Hi Blair,

Can you give me a call to discuss? I was told very different information on site today.

-P

On Mon, Oct 17, 2016 at 4:42 PM, Medd, Blair <BlairMedd@gov.nl.ca> wrote:

Peter,

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Blair

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to the appointment.

Blair Medd
Director of Communications
Transportation and Works
W: 729-3015 C: 631-8465
blairmedd@gov.nl.ca

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Ok. might be wednesday as cory wants to get together with Bob before we meet. I will ensure you are included.

cant let today repeat.

Sent from my BlackBerry 10 smartphone on the Bell network.

Yes, please!

Sent from my BlackBerry 10 smartphone on the Bell network.

would you like to be included in this discussion?

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi everyone

We have had another interesting day.

In preparation for any similar situations in the future, lets regroup tomorrow so we can get a written process/protocol in place regarding protests.

Ann Marie:

we will need an hour.

LA
Sent from my BlackBerry 10 smartphone on the Bell network.
Ann Marie:

Cory would like this meeting on Wednesday, please also invite Cindy Hussey to the meeting.

Many thanks.
LA

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi everyone

We have had another interesting day.

In preparation for any similar situations in the future, lets regroup tomorrow so we can get a written process/protocol in place regarding protests.

Ann Marie:

we will need an hour.
LA
Sent from my BlackBerry 10 smartphone on the Bell network.
Thanks very much.

Robert Escott
Director, Security Services

Yes, I captured most, if not all, of the coverage in the media headlines that I send to executive. I’ll pull from that, take another look to make sure nothing was missed and send along.

Krista

Krista, I’ll be back in province this evening and in office in am. Is it possible to get whatever media transcripts are available regarding the entire day to day with respect to the protest at the Confederation Complex? Also, if there was any video footage made available, are we able to access?

Thanks very much.

Robert Escott
Director, Security Services
Potential copyright material

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

When approached by the media at any time, you are to be aware you may be recorded and quoted. You are to refrain from passing comment and/or judgement regarding any matter regarding Security. This is especially true during a demonstration/protest. Media inquiries are to be directed to the appropriate media relations person of record. For example, if it is a TW item, then they are to be directed to contact the media relations personnel within TW. Under no circumstance will Security offer any information to the media regarding on-going events.

Robert Escott
Director, Security Services
Government of Newfoundland and Labrador
Ph. 709-729-3633
Fax. 709-729-5934
www.gov.nl.ca
Potential copyright material

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