August 15, 2014

Dear [redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: JUS/009/2014)

On July 15, 2014, the Department of Justice received your request for access to the following records/information:

I would like to make a request pursuant to the Access to Information and Protection of Privacy Act. Please provide me with all surveillance/security video that is currently being retained for investigation and/or serious incident and/or any other reason. Please provide this video material which exists within the Department of Justice, and/or which exists within any of Newfoundland and Labrador's correctional facilities. This should include but not limited to all penitentiaries, lockups, correctional institutions and correctional centres. In regards to a timeframe, please provide any existing material from any time period that is currently being retained.

Given the breadth of your request the Department of Justice attempted to contact you several times to seek further clarification or narrow the scope of your request. Unfortunately we did not hear back from you.

The Department is unable to release video surveillance footage to the general public for the following reasons:

1. it would constitute an unreasonable invasion of an inmate's privacy,
2. the archived video may be part of an active investigation and
3. it could possibly be harmful to the security of the institutions.

Please be advised that access to these 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):

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.
and

5. (1)(l) This Act applies to all records in the custody of or under the control of a public body but does not apply to a record relating to an investigation by the Royal Newfoundland Constabulary if all matters in respect of the investigation have not been completed;

and

22. (1)(n) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention.

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.

The address and contact information of the Information and Privacy Commissioner is 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.

If you have any further questions, please feel free to contact Mr. Neil Croke by telephone at 709-729-7906 or by e-mail at ncroke@gov.nl.ca.

Sincerely,

[Signature]

Paul G. Noble
Deputy Minister and
Deputy Attorney General