On October 17, 2016, the Department of Transportation and Works received your request for access to the following records:

- I've been advised that there is a mold issue in the Transportation Depot in Placentia. Is this the case, I would like to know the extent of the problem, the remediation costs and all documentation associated with this issue.

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

- Email correspondence regarding your request for documentation regarding a potential mold issue at the Transportation Depot in Placentia

In addition to the records made available, further consultation with the Director of Avalon Region Works provided the following explanation of the issue in question. The Point Verde Depot is a seasonal operations site, occupied by Transportation and Works staff from the months of November to April. The site is vacant during summer months and is prepared to be reopened in the fall, around the month of October. According to the Director, a concern was expressed that the depot was dirty. A Building Manager, with mold abatement training was contacted and directed to visit the site and inspect the depot’s condition. The site was investigated October 20, 2016, by a Building Manager and a maintenance person. In the Building Manager’s opinion, the substances in the kitchen area was determined to be dirt and not mold. Arrangements were made for a TW maintenance person to conduct a thorough cleaning of the depot the following day. On Oct 21, 2016, two TW maintenance personnel completed a cleanup of the depot. One of the TW maintenance personnel completed a cleanup of the depot. One of the TW
maintenance personnel who also has completed mold abatement training, was of the opinion that the substances in question was dirt and not mold. No extra costs were incurred by the Department of Transportation and Works for the cleanup, as it was done by TW staff and would have been done as part of the normal seasonal cleanup in the reopening of the depot.

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.

In addition a section of the record was redacted as “non-responsive” as it contained information that was not relevant to the request. 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.

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 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
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 contact me by telephone at 729-5303 or by email at michellemurray@gov.nl.ca.

Sincerely,

Michelle Murray
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).
Christian

I spoke to Gord. He will have the Placentia crew operate out of Whitbourne for the time being. The clerk, Barb, will be off the rest of this week, until we can make arrangements for her. Works are checking out the situation.

Garry
Sent from my BlackBerry 10 smartphone on the Bell network.
From: Roberts, Dave
To: upshall, eugene
Subject: FW: Plac. Unit
Date: Thursday, October 20, 2016 3:29:40 PM

Eugene
These pictures are from inside the Placentia Highways Depot. Looks like cleanup may be required. To what extent needs to be determined from inspection.
I got the impression from Garry that their mechanic may not have worked out of the building this summer, Whitbourne instead. So maybe it was unoccupied over the summer? Anyway, as discussed please have someone inspect tomorrow and we can determine where to go from that.

Thanks
Dave

From: Spencer, Garry L.
Sent: Thursday, October 20, 2016 3:23 PM
To: Roberts, Dave
Subject: FW: Plac. Unit

From: Supervisor, Whitbourne
Sent: Thursday, October 20, 2016 12:47 PM
To: Spencer, Garry L.
Subject: Plac. Unit

Here are a couple of pics that u requested.

Sent from my BlackBerry 10 smartphone on the Bell network.
From: Roberts, Dave  
Sent: Monday, October 24, 2016 9:31 AM  
To: Spencer, Garry L.  
Subject: FW: Plac. Unit  

FYI.

From: upshall, eugene  
Sent: Monday, October 24, 2016 9:17 AM  
To: Roberts, Dave  
Subject: RE: Plac. Unit  

Dave: The kitchen/offices were cleaned up on Friday. It was dirty as no cleaning was carried out since April. There is nobody there today, but I plan on inspecting this area on Wednesday 27th October. I will discuss with the occupants then, and advise. Eugene

From: Roberts, Dave  
Sent: Friday, October 21, 2016 8:46 AM  
To: upshall, eugene  
Subject: RE: Plac. Unit  

Eugene  
Thanks for getting this looked at so quickly. Can you give me a call when you have a minute to discuss findings and approach.

Thanks  
Dave

From: upshall, eugene  
Sent: Thursday, October 20, 2016 5:33 PM  
To: Roberts, Dave  
Subject: Re: Plac. Unit  

Dave. Inspection was carried out this afternoon. Corrective action will happen tommorow. Eugene

Sent from my BlackBerry 10 smartphone on the Bell network.
FYI.

From: upshall, eugene
Sent: Monday, October 24, 2016 9:41 AM
To: Roberts, Dave
Subject: FW: Pt. Verde

After cleaning photos.

From: Burke, Tom
Sent: Monday, October 24, 2016 9:34 AM
To: upshall, eugene
Subject: Pt. Verde

After Brad and Ron clean building
From: upshall, eugene  
To: Roberts, Dave  
Subject: RE: Plac. Unit  
Date: Wednesday, October 26, 2016 2:14:33 PM

Dave: I inspected this area today. It was not occupied at the time, but I found it is now in “good” condition since the pre-season cleanup. As this is a seasonal site and cleaning is only from November through April. It seems some person used it after April and it was not cleaned. The clerk arrived earlier than usual (oct. 19) and Tony was on vacation and the cleaning which commences next week would have had a “this week” action. There and was nothing resembling mold either present or removed. Eugene

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Sent from my BlackBerry 10 smartphone on the Bell network.
Placentia - Depot - Mold issue

Town of Placentia

Marine Edwards calling in at Placentia

Barb →

Set
Issues:
Hygiene
Mold - hand room
- complaints
- water damage
There were

Cleaning since April.

Answered by Fred.

water links
Airing
R. Jets & things.

Works - Entry Tony Woodman.

Anna - two days ago.
Not mould -

Custodial prison to

Painting