Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: EC/1312014]

On November 4, 2014, Executive Council received your request for access to the following records/information:

"I am requesting under ATIPPA a copy of all paper work, letters, documents, etc related to the appointment of Ms. Judy Manning to the position of Review Commissioner with the Workplace Health, Safety and Compensation Review Division.

I am also asking for the dates of all cases heard by Ms. Manning as well as a detailed list of all individual payments made to Ms. Manning."

Executive Council has reviewed your request in the context of the Act. Please be advised the responsive records concerning the appointment of Ms. Judy Manning to the position of Review Commissioner with the Workplace Health, Safety and Compensation Review Division (WHSCRD) are considered official Cabinet records and are withheld in accordance with Sections 18(1)(a)(iv), 18(1)(a)(v), 18(1)(c), and 18(2)(a) which state:

18. (1) In this section
(a) "cabinet record" means
(iv) a discussion paper, policy analysis, proposal, advice or briefing material, including all factual and background material prepared for the Cabinet,
(v) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet,
(c) "official cabinet record" means a cabinet record referred to in paragraph (a) which has been prepared for and considered in a meeting of the Cabinet; and
(2) The head of a public body shall refuse to disclose to an applicant a Cabinet record, including
(a) an official Cabinet record;
For your information, a copy of the Order in Council regarding Ms. Manning’s appointment to the WHSCRD can be found at http://www.exec-oic.gov.nl.ca/public/oic/details?order-id=1217.

Please note, Executive Council has no responsive records concerning the dates of all cases heard by Ms. Manning or a detailed list of all individual payments made to Ms. Manning. To obtain this information, please contact Ms. Heather Williams, ATIPP coordinator for the WHSCRD, at (709) 729-5542 or by email at heatherwilliams@gov.nl.ca.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy 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 Commissioner.

Records that are refused on the basis of 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 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 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 questions, please feel free to contact Rachelle Cutler at (709) 729-5691 or by email at rachellecutler@gov.nl.ca.

Sincerely,

PAULA BURT
Deputy Clerk and Associate Secretary to Cabinet