December 23, 2016

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FA/38/2016

On November 28, 2016, the Department of Fisheries, Forestry and Agrifoods (FFA) received your request for access to the following records:

1) "Any and all written correspondence, by DFFA, Aquatic Health Division staff from 2014 to today regarding VHSv in NL, especially with regarding to testing, methodologies, monitoring, or test results.
2) has VHSv in its various forms including VHSv 4a, been tested for in NL during 2014, 2015 and 2016 and if so how (including sample collection methods, species, storage, shipping, methodology, etc), on what dates of testing and dates of results, and by whom.

I am pleased to inform you that a decision has been made by the Deputy Minister for FFA to provide access to some of the requested information. In particular, access is granted in full to a record responsive to the first part of your request. Please see the attached record.

FFA wishes to advise that Part 2 of your request has been disregarded. FFA has determined that, in accordance with section 21(1)(a) of the Access to Information and Protection of Privacy Act (the Act), the request would unreasonably interfere with the operations of the department. The Information and Privacy Commissioner has approved the department's application to disregard this request on these grounds.

21(1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that

(a) the request would unreasonably interfere with the operations of the public body;
(b) the request is for information already provided to the applicant; or
(c) the request would amount to an abuse of the right to make a request because it is  
(i) trivial, frivolous or vexatious,  
(ii) unduly repetitive or systematic,  
(iii) excessively broad or incomprehensible, or  
(iv) otherwise made in bad faith.

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, 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.

Please be advised that this letter will be published following a 72-hour period after it 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 letter 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 709-729-4797 or by email at rhondahickey@gov.nl.ca

Sincerely,

Rhonda Hickey  
ATIPP Coordinator

Enclosures
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.

2015 cA-1.2 s42

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).

2015 cA-1.2 s52
Information Note
Department of Fisheries and Aquaculture

Title: Viral Haemorrhagic Septicaemia Virus (VHSv) in wild Herring in Placentia Bay, NL

Issue: Newfoundland and Labrador declared positive for Viral Haemorrhagic Septicaemia virus by the Canadian Food Inspection Agency.

Background and Current Status:
- Viral Haemorrhagic Septicaemia Virus (VHSv) is a viral disease of finfish. VHSv is a reportable disease in Canada under the Health of Animals Act.
- VHSv does not pose a human health risk.
- On June 24, 2016, CFIA notified DFA of a confirmed finding of VHSv in wild Herring in Placentia Bay, NL. The strain typing was VHSv IVa.
- The Canadian Food Inspection Agency (CFIA) will be declaring the province of Newfoundland and Labrador as positive for VHS IVa.
- This declaration may be extended to other Atlantic provinces after further analysis.
- Once this declaration has been made by the CFIA, movement controls will apply to non-eviscerated fish for susceptible species. The susceptible species of greatest impact in NL are Atlantic salmon, Rainbow trout and Herring.
- Aquaculture movement controls would affect the transport of live fish leaving the province. This usually only occurs at a hatchery or nursery site and the CFIA compartmentalization program may assist. Harvesting will not be affected as long as primary processing occurs in the province of NL.
- The CFIA will not be imposing any additional restrictions or movement controls if aquaculture is developed in Placentia Bay, NL.
- In terms of the wild fishery, movement controls would only effect shipments of Herring to the Ukraine (usually 15 per year).
- Clinical signs of VHSv can include reddening of the skin, bulging eyes, pale gills and organs, and fluid in body cavity. The degree of morbidity and mortality depends on the strain type.
- The strain VHSv IVa typically presents as a low grade mortality in salmonid aquaculture, which does not affect production. Smolts are affected more than adults.
- VHSv can be found worldwide and there are four strains of the virus. Strains I-III are European, while strain IV is predominantly North American.
- VHSv has been detected in Canada and it has been confirmed to be present in British Columbia, Ontario, Nova Scotia and New Brunswick waters. VHSv IVa has been detected on the West Coast of Canada; VHS IVb has been detected in the Great Lakes; VHS IVb and VHS IVc have been detected on the east coast of Canada.

Action Being Taken:
- The NL DFA – AAHD will continue communications with the CFIA.
- The NL DFA – AAHD will continue to perform routine sampling and testing of cultured fish populations in NL.

Prepared / Approved by: Dr. N. O’Brien – Acting Director, Aquatic Animal Health/ B. Meaney, Assistant Deputy Minister, Aquaculture

Ministerial Approval: Received from Honourable Steve Crocker

Aug 15, 2016