Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HCS 042 2014]

On October 8, 2014, the Department of Health and Community Services received your request for access to the following records/information:

"I am requesting under the Access to Information Act a status update on each of the recommendations made by the Child and Youth Advocate to your department since 2012."

Your request was clarified via a telephone conversation on October 17, 2014 as follows:

"Updates on the recommendations made by the Child and Youth Advocate to the department in the following reports:
Turning a Blind Eye, July 2012
Out of Focus, September 2012.
Sixteen, October 2013"

On November 7, 2014 we advised that the Department was extending the deadline for responding to your request for an additional 30 days due to the necessity of consulting with another public body.

Please be advised that the Advocate’s Office does not consent to the release of documents connected with its investigatory functions. The Advocate’s Office advises an investigation remains open until all recommendations are monitored and all actions are taken. The Advocate’s Office has advised it considers the follow up on the recommendations of all reports since 2012 to be connected with the investigatory functions of the Office. Based on the advice from the Advocate’s Office, and in accordance with Section 30.1(c) of the Access to Information and Protection of Privacy Act (the Act), access to these records has been refused. Section 30.1 of the Act states:

30.1 The Speaker of the House of Assembly or the officer responsible for a statutory office shall refuse to disclose to an applicant information

(c) in the case of a statutory office as defined in the House of Assembly Accountability, Integrity and Administration Act, records connected with the investigatory functions of the statutory office.
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
3rd floor Sir Brian Dunfield Building
2 Canada Drive
P.O. Box 13004, Stn. A
St. John’s, NL A1B 3V8
Telephone: (709) 729-6309
Facsimile: (709) 729-6500
Email: oipc@gov.nl.ca

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 a copy of our response to your request will be published on the Office of the Public Engagement’s website five business days after the response is mailed to you. If you have any further questions, please feel free to contact Cheryl Joy, ATIPP Coordinator, at (709)729-7010, or by email at cheryljoy@gov.nl.ca.

Sincerely,

BRUCE COOPER
Deputy Minister

/cj
/Encl.