January 19, 2015

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 047 2014]

On December 19, 2014, the Department of Health and Community Services received your request for access to the following records/information:

“A final copy $500,000 provincial radiation services study. If the final copy is not yet complete, please provide status update on the study, any supporting documentation, the reasons the consultant was delayed in completing this document. I am also requesting the latest draft copy of the report.”

We attempted to contact you via telephone on Wednesday December 24, 2014 without success. On Monday December 29, 2014 we contacted you via email to discuss this possibility of withdrawing the request in light of the fact that the information will be made public shortly. As indicated by your email response, we continued to process the request through ATIPPA.

The information you are requesting is scheduled to be publically released in the near future, therefore access to the final copy of the Provincial Radiation Services Study has been declined in accordance with section 14 of the Access to Information and Protection of Privacy Act (the Act), which states:

s.14(1) The head of a public body may refuse to disclose a record or part of a record that

(b) is to be published or released to the public within 45 days after the applicants request is received.

(2) The head of a public body shall notify an applicant of the publication or release of information that the head has refused to give access to under paragraph (1)(b).

(3) Where the information is not published or released within 45 days after the applicants request is received, the head of the public body shall reconsider the request as if it were a new request received on the last day of that period, and access may not be refused under paragraph (1)(b).
As stated in s.14(2) and s.14(3) of the Act, the Department will notify you once the report is published; however, if not published on or before February 2, 2015, a new request will be initiated by the Department on your behalf.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal 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