February 15, 2013

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FA/1/2013]

On January 16, 2013, the Department of Fisheries and Aquaculture received your request for access to the following records:

All briefing books and other documents given to the new minister to brief him on departmental issues.

On January 26, 2013, you later clarified your request as follows:

All documents from October 19, 2012, to the last day of November that were used to inform the minister on departmental policies, programs and initiatives. Documents such as briefing documents, reports, emails and other material written for the purpose of informing the minister on ongoing issues within the department.

Please be advised that access to these records has been refused in accordance with Section 7(4) of the Access to Information and Protection of Privacy Act (the Act). Please see attached references.

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
34 Pippy Place
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.

If you have any further questions, please feel free to contact Kim Anstey, ATIPP Coordinator, at (709) 729-4797.

Sincerely,

Alastair O’Rielly
Deputy Minister

Attachment
ATIPPA Exemptions

Right of access

7. (1) A person who makes a request under section 8 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information exempted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record is subject to the payment of a fee required under section 68.

(4) The right of access does not extend

(a) to a record created solely for the purpose of briefing a member of the Executive Council with respect to assuming responsibility for a department, secretariat or agency; or

(b) to a record created solely for the purpose of briefing a member of the Executive Council in preparation for a sitting of the House of Assembly.

(5) Paragraph (4)(a) does not apply to a record described in that paragraph if 5 years or more have elapsed since the member of the Executive Council was appointed as the minister responsible for the department, secretariat or agency.

(6) Paragraph (4)(b) does not apply to a record described in that paragraph if 5 years or more has elapsed since the beginning of the sitting with respect to which the record was prepared.