April 13, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: EDU/016/2017)

On March 16, 2017 the Department of Education and Early Childhood Development received your request for access to the following records/information:

“All correspondence (letters, emails, briefing notes, advisories, reports) to the minister since Nov. 3, 2011 regarding the awarding of a $4.9 million tender to Pinnacle Office Solutions Ltd. of Mount Pearl to supply interactive whiteboards and accompanying software and training, and any correspondence with, or possible legal documents or statements of claim against Pinnacle Office Solutions Ltd. or Egan Teamboards regarding the product Teamboards supplied to schools in the province and any problems with the product.”

On March 16, 2017, your request was clarified by telephone to:

“All correspondence (letters, emails, briefing notes, advisories, reports) to the minister since Nov. 3, 2011 regarding the awarding of a $4.9 million tender to Pinnacle Office Solutions Ltd. of Mount Pearl to supply interactive whiteboards and accompanying software and training.
Any information/correspondence/documents both internal or with Pinnacle/Egan Teamboard regarding any legal action or potential legal action to be considered/taken against the vendor(s). This would include any records that involve discussion/options to recover money paid to vendor for the Teamboards.”

A decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development to provide access to some of the requested information and the appropriate copies have been enclosed.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 40: Disclosure harmful to personal privacy
(1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Section 30: Legal advice
(1) The head of a public body may refuse to disclose to an applicant information
   a. That is subject to solicitor and client privilege or litigation privilege of a public body; or
   b. That would disclose legal opinions provided to a public body by a law officer of the Crown.
(2) The head of a public body shall refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a person other than a public body.

The following pages are being withheld in their entirety under Section 30 - Legal Advice: pages 3-11; 13-39; 46; 48-265.
As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

You may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to 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 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 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 feel free to contact the undersigned by telephone at 709-729-7425 or by e-mail at AmandaGarland@gov.nl.ca.

Sincerely,

Amanda Garland
Manager of Information Services
ATIPP Coordinator

Enclosure
Discovery - Education and Early Childhood Development

From: Vivian-Walsh, Janet
Sent: Wednesday, May 04, 2016 10:27 PM
To: Tuff, Jim
Subject: RE:

Thanks Jim.

Janet

Janet Vivian-Walsh
Deputy Minister
Department of Education and Early Childhood Development
Government of Newfoundland and Labrador
Phone: (709) 729-5086
e-mail: janetvivianwalsh@gov.nl.ca

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From: Tuff, Jim
Sent: Wednesday, May 04, 2016 9:39 PM
To: Vivian-Walsh, Janet
Subject: Re:

Hi Janet,

I can drop by in the morning to give you an update. Craig Butt had emailed me today inquiring about our 2011 TeamBoard purchase as per a CBC request for info.

Jim

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Vivian-Walsh, Janet
Sent: Wednesday, May 4, 2016 7:20 PM
To: Tuff, Jim
Subject:

Hi Jim.

Heard from Darrin. CBC called them asking about teamboards. He asked me if there were any legal steps taken.

I recall some conversation on this but think your plan was to send back so many boards to be repaired.

Can you give me an update tomorrow morning sometime?
Thanks

Janet

Sent from my BlackBerry 10 smartphone on the Bell network.
Hi,

Sean Brown was president during the last school year as the receptionist confirmed it whenever I called and asked to speak with the president.

Jim

Jim Tuff
Director
Centre for Distance Learning and Innovation (CDLI)

Department of Education and Early Childhood Development
P.O. Box 8700
St. John’s, NL A1B 4J6
Ph: (709) 729-3000 Fax: (709) 729-1400
email: jmtuff@gov.nl.ca
online: www.cdli.ca

From: Rose, Anne Marie
Sent: Wednesday, July 27, 2016 10:46 AM
To: Fitzgerald, Peter; Vivian-Walsh, Janet; Tuff, Jim
Subject: RE: Whiteboards

Some websites have James Egan listed as President of Egan Teamboard Inc and Sean Brown for Egan Visual.

Jim, Can you make a call to confirm who the CEO / President is? Thanks.

Anne Marie Rose QC
Manager, Central Agencies and Justice Policy Unit
Civil Division
Department of Justice and Public Safety
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John’s, NL A1B 4J6
Phone: 729-3354 Facsimile: 729-2129

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Discovery - Education and Early Childhood Development

From: Vivian-Walsh, Janet  
Sent: Friday, September 09, 2016 8:24 AM  
To: Fitzgerald, Peter  
Subject: RE: Whiteboards

Agree – will set the date and I will have my assistant set a time for us to meet when Anne Marie returns (prior to the meeting with Mr. Brown).

Janet

Janet Vivian-Walsh  
Deputy Minister  
Department of Education and Early Childhood Development  
Government of Newfoundland and Labrador  
Phone: (709) 729-5086  
e-mail: janetvivianwalsh@gov.nl.ca

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From: Fitzgerald, Peter  
Sent: Thursday, September 08, 2016 6:37 PM  
To: Vivian-Walsh, Janet  
Subject: Re: Whiteboards

Should not be an issue. Anne Marie should be back then as well. Will need to discuss approach prior.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Vivian-Walsh, Janet  
Sent: Thursday, September 8, 2016 6:22 PM  
To: Fitzgerald, Peter  
Cc: Rose, Anne Marie; Walsh, Ed; Tuff, Jim  
Subject: RE: Whiteboards

Yes, ended up answering the phone around 6:30 yesterday and it was Mr. Brown calling. He indicated that his schedule was very tight for September and October but when I asked for possible dates, he gave me September 27th or 28th. I told him I would get back to him with our choice and time. Any issues with either day?

Janet

Janet Vivian-Walsh  
Deputy Minister  
Department of Education and Early Childhood Development  
Government of Newfoundland and Labrador  
Phone: (709) 729-5086  
e-mail: janetvivianwalsh@gov.nl.ca
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From: Fitzgerald, Peter  
Sent: Thursday, September 08, 2016 4:41 PM  
To: Vivian-Walsh, Janet  
Cc: Rose, Anne Marie  
Subject: Whiteboards

Following up any word on dates for this from Egan (Mr. Brown)?

Peter G. Fitzgerald  
Manager, Corporate Commercial  
Civil Division

T. 709.729.2004  
F. 709.729.2129

Newfoundland Labrador

Office of the Attorney General  
Department of Justice & Public Safety  
Government of Newfoundland and Labrador  
4th Floor East Block, Confederation Building  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

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Yes, Ross Parrott of Pinnacle Office Solutions should be invited. We sent the original letter to him as well and he did respond back, waiting on response from Mr. Brown. Please advise Mr. Brown that Mr. Parrott has been invited.

Thanks,

Janet

Janet Vivian-Walsh
Deputy Minister
Department of Education and Early Childhood Development
Government of Newfoundland and Labrador
Phone: (709) 729-5086
e-mail: janetvivianwalsh@gov.nl.ca

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Janet with reference to e-mail below from Mr. Brown, should I send an invite also to Pinnacle? J

Nobody will be attending with me, assuming you invited Pinnacle under separate cover. Pinnacle’s presence is important to you as your purchase contract for a variety of products and services was with them. They were addressed in the original letter but I didn’t notice them copied below.

Sean Brown
Good morning Mr. Brown, with reference to your conversation with Deputy Minister Janet Vivian-Walsh on September 7th, this is to confirm the meeting for Wednesday, September 28th @ 1:00 p.m. Location will be in the Department of Education and Early Childhood Development’s Main Boardroom 3500. Notification of who will be attending the meeting with you would be appreciated as I will need to do a letter for security.

Ms. Vivian-Walsh will follow-up next week with our list of attendees.

Thank you – Janet

Janet Cormey
Secretary to Minister
Department of Education
and Early Childhood Development
P. O. Box 8700
St. John’s, NL A1B 4J6
Phone: 709-729-5040
Fax: 709-729-0414

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Good Day Ms. Cormey,

Currently away from my office.....Will be back in the office later this afternoon and will confirm who else will be attending the meeting on Pinnacle Office's side.....

Best Regards,

Ross

Sent from my iPhone

On Sep 12, 2016, at 9:00 AM, Cormey, Janet <janetcormey@gov.nl.ca> wrote:

Good morning Mr. Parrott, this is to confirm meeting with Mr. Sean Brown for Wednesday, September 28th @ 1:00 p.m. re: Interactive Whiteboard Solution. Location will be in the Department of Education and Early Childhood Development’s Main Boardroom 3500. Please confirm your attendance and notification of who will be attending with you as I will need to do a letter for security.

Thank you.

Janet Cormey
Secretary to Minister
Department of Education and Early Childhood Development
P. O. Box 8700
St. John’s, NL A1B 4J6
Phone: 709-729-5040
Fax: 709-729-0414

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Hi Anne Marie,

I will check my files to determine the date of first delivery. I do recall us receiving a couple of boards earlier so we could test and assist with our professional Learning preparations, but I need to check the date.

Will have this by Monday.

Jim

Sent from my BlackBerry 10 smartphone on the Bell network.

---

Hi Jim,

Anne Marie Rose QC
Manager, Central Agencies and Justice Policy Unit
Civil Division
Department of Justice and Public Safety
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6
Phone: 729-3354 Facsimile: 729-2129
Good morning, with reference to our scheduled meeting September 28th @ 1:00 p.m., please note the following will be in attendance:

**Education and Early Childhood Learning**

Janet Vivian-Walsh – Deputy Minister
Jim Tuff – Director of Centre for Distance Learning and Innovation Division
Department’s legal representative from Department of Justice and Public Safety

**NL English School District**

Darrin Pike – Director / CEO
Terry Hall – Assistant Director of Finance and Business Administration
Craig Butt – Director of Information Technology

**Egan**

Sean Brown

**Pinnacle**

Ross Parrott
Justice Horvath

Janet Cormey
Secretary to Minister
Department of Education
and Early Childhood Development
P. O. Box 8700
St. John’s, NL A1B 4J6
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