April 28, 2017

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our file #ENV/029/2017]

On March 30, 2017 the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“For the period of November 2014 – December 2016 (inclusive):

1. All VOC (volatile organic compound) emissions from releases to the air at the Come By Chnace Refinery (also known as North Atlantic Refining Limited), NARL Refining Limited Partnership, or any other agent, representative, or related entity (collectively “NR”), including a breakdown by substance and specifying emissions from stack or point releases, in the custody or control of the Public Body.

2. (i) all reports of air releases, specifically for VOC’s (broken down by substance); (ii) all notices from NR to the Public Body for VOC releases from stack or point releases; and (iii) all notices from the Public Body to NR regarding violations relating to air releases.”

Please be advised that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to the requested information. Please note, the records you have requested may contain information that, if disclosed, might affect the business interests of a third party as described in section 39 of the Access to Information and Protection of Privacy Act (the Act) (see attached).

As required by section 19 of the Act, we have given written notice to the third party that we intend to provide access to these records. The notice to the third party was dated and sent on April 28, 2017. This notice gives the third party 15 business days to file a complaint with the Office of the Information and Privacy Commissioner or appeal the decision to the Trial Division.
If the third party does not file a complaint or appeal this decision, the records relating to your request will be provided to you on May 19, 2017.

If you have any further questions, I can be reached by telephone at (709) 729-1589 or by e-mail at nicolerowsell@gov.nl.ca.

Sincerely,

[Signature]

NICOLE ROWSELL
Departmental ATIPP Coordinator
Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was obtained on a tax return, gathered for the purpose of determining tax liability or collecting a tax, or royalty information submitted on royalty returns, except where that information is non-identifying aggregate royalty information.

(3) Subsections (1) and (2) do not apply where

(a) the third party consents to the disclosure; or

(b) the information is in a record that is in the custody or control of the Provincial Archives of Newfoundland and Labrador or the archives of a public body and that has been in existence for 50 years or more.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.