Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/103/2016)

On December 29, 2016, the Department of Transportation and Works received your request for access to the following records:

“Please provide copies of all correspondence and emails exchanged during 2016 between Provincial Government, Andrea McKenna and Provincial Airlines regarding Hangar #3 requesting an increase to the floor space

Please provide copies of all correspondence and emails exchanged during 2016 between Provincial Government, Corey Grandy and Provincial Airlines regarding Hangar #3 requesting an increase to the floor space”

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information.

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):

- Subsection 40. (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.

Please note the release of the information contained within the attached records was formally appealed by the Third Party. Following review of this appeal, the Information and Privacy P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
Commissioner recommended that the Department release the records to the applicant. A response letter was then sent from the Department to the Commissioner and Third Party on May 17, 2017, confirming acceptance of the Commissioner's recommendations. As this decision was not appealed by the Third Party, the records can therefore be released.

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. Please be advised that 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 copy of this section of the Act has been enclosed for your reference). 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 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 (a copy of this section of the Act has been enclosed for your reference).

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 contact me by telephone at 729-5351 or by email at FrankWalsh@gov.nl.ca.
Sincerely,

[Signature]

Frank Walsh
ATIPP Coordinator
Department of Transportation and Works
Enclosures
Disclosure harmful to personal privacy

40. (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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

    (i) personal information that is supplied in support of the application for the benefit, or
(ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

   (i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

   (ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

   (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

   (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

   (c) the personal information relates to employment or educational history;

   (d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

   (e) the personal information consists of an individual's bank account information or credit card information;

   (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

   (g) the personal information consists of the third party's name where

      (i) it appears with other personal information about the third party, or

      (ii) the disclosure of the name itself would reveal personal information about the third party, or

   (h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.
(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person’s personal privacy.
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act, or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act, or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
Thanks Andy. Appreciate your work on this.
I will review and let you know if we have any comments.

Regards,

Signature 2016 PAL Aerospace

Hi

Please see attached. I have hatched out the areas requested by Air Services and indicated the approximate square footage. Ben and his team have reviewed and agree for the most part that this looks good.

Regards,

Andy

Andy,

You mentioned yesterday that you would be revising the plan of the Hangar to show the office/shop space and area for Air Services use? If you have this completed, could you send me a copy.

Regards and Happy New Year,
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Ben,

We have been able to change the time for the hangar visit to 10:00 am tomorrow morning which will be more convenient for your Gander folks.

If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

Signature 2016 PAL Aerospace

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Hi

1:00 pm tomorrow will work for us. I expect to have 5-6 people drop by so as to see the facility and to plan the move and where items are likely to be situated.

I will get you a list of names later today or first thing in the morning.

Thanks,

Ben Farrell
Director of Air Services
P.O. Box 2222
Hangar# 22, Gander Airport
Gander, NL A1V 2N9
Tel: 709-256-1037
Cell: 709-424-5004
From: [mailto:AndyKeeping@gov.nl.ca]  
Sent: Wednesday, December 28, 2016 8:29 AM  
To: Farrell, Ben; McKenna, Andrea; Keeping, Andy  
Cc:  
Subject: FW: Hangar visit  

Good Morning  

Please see Ben’s email below. If this is possible, please advise of a time that works for someone from PAL to accompany the Air Services staff.  

Regards,  
Andy
Hi,

For planning purposes, would it be possible to coordinate a visit to the Cougar hangar for our maintenance staff at St. John’s??

This would give them a first-hand look at the facility, but more importantly a look at the electrical and systems set-up to support the aircraft operation. I am guessing that today would be very short notice, but maybe the 28th or as soon as we can would be fine.

Thanks,
Ben
Attached are more detailed drawings of the hangar which may be more readable when printed.

If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

Signature 2016 PAL Aerospace
Potential copyright material

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

On Dec 19, 2016, at 9:46 AM, McKenna, Andrea <AndreaMcKenna@gov.nl.ca> wrote:

Great, thanks.

It will be me and [redacted]. We can let you know when we get to the parking lot around 2:15.

Thanks. Can you let me know who is coming so that I can provide to security. I will have someone meet you at the visitors entrance.

Thanks,
Andrea

Andrea,
We can come in to your office at 2:30. See you then.

From: McKenna, Andrea <AndreaMcKenna@gov.nl.ca>
Sent: Monday, December 19, 2016 9:33 AM
To: [redacted]
Subject: RE: Monday - Call

Andrea,
Subject: RE: Monday - Call

Hi Andrea, yes 2:30 is good for us. If you are available to come in that might be easier but no problems at all if it is more convenient to call in. I can forward the conference call details.

Thanks,
Andrea

From: [Redacted]@provair.com
Sent: Monday, December 19, 2016 9:31 AM
To: McKenna, Andrea
Subject: RE: Monday - Call

Andrea,
Just want to confirm the time for this afternoon is 2:30 and whether you would prefer a call or for us to come to your offices.

Regards,

From: [Redacted]
Sent: Friday, December 16, 2016 5:05 PM
To: Andrea McKenna (AndreaMcKenna@gov.nl.ca)
Cc: [Redacted]
Subject: Monday - Call

Andrea,
We will be fine for a call on Monday afternoon between 2:30 and 4:30. Let me know what time suits you best and if you would prefer that we call in or come over to your office.

If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

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Andrea,

Attached is the note on use of the space in Hangar No. 2.
Hangar No. 2
Joint Use of West Hangar Bay

The west bay of Hangar No. 2 has a floor area of 14,720 sq. ft, of which 9,700 sq. ft. will be designated for GAS use and 5,020 sq. ft. will be reserved for PAL use.

The GAS area will have a door opening of 70’11.25”. The floor area adjacent to the door will have a width of 58’6” and a depth of approximately 140’.

The 5,020 sq. ft. retained by PAL will have a width of 55’. PAL is proposing to use this area for hangarage and maintenance of the Citation SII which is contracted to the Department of Health and used exclusively for air ambulance operations.

The hangar layout will require a cooperative work environment. It will not be possible to position tool boxes or other maintenance equipment along the centre line between the GAS and PAL areas. However, there is ample wall area on the west side of the floor for such use.

Should the hangarage of PAL’s Citation be deemed unworkable by GAS, we will retain the space and look for other compatible uses other than hangarage of the Citation SII.
Andrea
We are in the line at Security.

PAL
Andrea,
That's fine with us. Anytime any of you would like to see Hangar No. 2 we can arrange that. See you Thursday morning.

On Dec 2, 2016, at 2:30 PM, McKenna, Andrea <AndreaMcKenna@gov.nl.ca> wrote:

Hi,

Our preference would be to have the meeting here in confederation building due to some scheduling constraints. Looking forward to seeing you on Thursday.

Thanks,
Andrea

Andrea,
Thursday is fine with us, at 10:00 am. We can go to your offices or meet at our offices if you would prefer an airport location to see the proposed facility.

If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

Andrea

From: McKenna, Andrea [mailto:AndreaMcKenna@gov.nl.ca]
Sent: Thursday, December 01, 2016 10:07 AM
To: 
Cc: Grandy, Cory
Subject: meeting next week to discuss hangar proposal

Hi,

Are you available to meet next week with Cory Grandy (ADM) and Lori Anne Companion (DM) on Thursday, December 8? Currently both are available at 10:00 or 11:00.

Thanks,
Andrea

Andrea McKenna
Director – Planning & Accommodations
Department of Transportation & Works
West Block, Confederation Building
PO Box 8700
St. John’s, NL A1B 4J6

E. andreamckenna@gov.nl.ca
T. (709) 729-4422
F. (709) 729-4658

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Andrea,

I am enclosing the following information for Hangar No. 2:

- A summary of hangar description and available space. As we do not know the layout of the current space we have shown the available shop, office and storage space available, which exceeds current use. The appropriate areas can be selected to match the current use.
- The Hangar No. 2 site survey and layout drawings of the west bay floor and upper level. The yellow areas indicate the available shop, office and storage space.
- A summary of operating costs. This presents the costs for the entire hangar, which comprises two bays and annexes. On determination of the actual space to be provided an allocation method will be determined. Cost for the proposed areas would be expected to be proportionate to the area used and less than ½ of the total hangar costs. These costs may provide a general indication of expected costs.

As noted in the summary, the proposed area was completely refurbished in 2014 for an offshore helicopter support program. A new electrically operated door is currently being installed to replace the existing doors.

If you have any questions or require any additional information, please do not hesitate to contact us.

Regards,

Signature 2016 PAL Aerospace
Hangar No. 2, St. John’s International Airport

Proposed Areas

The proposed areas are in the western half of Hangar No. 2 and provide hangar space and shop/office areas at the back of the hangar.

We would make available areas equivalent to the currently occupied areas of 9,700 sq., ft. of hangar and 3,497 sq. ft. of shop, office and storage area.

Hangar Space:

| Hangar floor – Total hangar floor area – | 14,720 sq. ft. |
| Reserved for PAL use | 5,020 sq. ft. |
| Available for Air Services - | 9,700 sq. ft. |

- Ground floor shops & offices | 2,328 sq. ft. |
- Second level shops and storage | 1,493 sq. ft. |

| Available shop, office, storage - | 3,821 sq. ft. |

Total available area 13,521 sq. ft.

Hangar Doors:
The existing hangar door is being replaced with a new electrically operated door system. The door system will have three panels opening laterally and stackable on either side. Dimensions:

- Height, opening clearance | 19’0” |
- Opening width | 107’0” |
- Opening clearance, stacked right (to the east) | 70’11.25” |
- Opening clearance, stacked left (to the west) | 69’11.5” |

This hangar bay and shops was completely refurbished in 2014 for occupancy by CHC Helicopter for support of their 2014-16 Statoil helicopter program.

Vehicle Parking:

Parking is available on the north side of Hangar No. 2 immediately adjacent to the entrance and easy of Hangar No. 1. A number of reserved parking spaces will be provided adjacent to the entrance for Air Services and medical personnel.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
## Hangar No. 2
### St. John's International Airport
### Operating Expenses - 2015 - 2016

### Expenses
#### Fixed Expenses
<table>
<thead>
<tr>
<th></th>
<th>2015 - 12 Months</th>
<th>2016 - 10 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance</td>
<td>16,568</td>
<td>13,206</td>
</tr>
<tr>
<td>Land &amp; Building Lease</td>
<td>107,014</td>
<td>89,180</td>
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<tr>
<td>Business / Property Tax</td>
<td>75,382</td>
<td>45,770</td>
</tr>
<tr>
<td><strong>Total - Fixed Expenses</strong></td>
<td><strong>198,964</strong></td>
<td><strong>148,156</strong></td>
</tr>
</tbody>
</table>

#### Direct Expenses
<table>
<thead>
<tr>
<th></th>
<th>2015 - 12 Months</th>
<th>2016 - 10 Months</th>
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</thead>
<tbody>
<tr>
<td>Utilities</td>
<td>149,018</td>
<td>100,372</td>
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<tr>
<td>Repairs and Maintenance - Building</td>
<td>15,585</td>
<td>33,150</td>
</tr>
<tr>
<td>Waste / Snow Removal</td>
<td>10,096</td>
<td>9,850</td>
</tr>
<tr>
<td>Communications</td>
<td>331</td>
<td>(126)</td>
</tr>
<tr>
<td>Cleaning</td>
<td>4,653</td>
<td>5,917</td>
</tr>
<tr>
<td><strong>Total Direct Expenses</strong></td>
<td><strong>179,683</strong></td>
<td><strong>149,163</strong></td>
</tr>
</tbody>
</table>

**Total Expenses**

<table>
<thead>
<tr>
<th></th>
<th>2015 - 12 Months</th>
<th>2016 - 10 Months</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>378,647</td>
<td>297,319</td>
</tr>
</tbody>
</table>
From: [Redacted]
To: McKenna, Andrea
Subject: Re: message
Date: Tuesday, November 15, 2016 5:24:26 PM

Sorry Andrea. I was in a meeting and my phone doesn’t have vmail.

I will go with this and get you the info tomorrow.

Sent from my iPhone

On Nov 15, 2016, at 5:06 PM, McKenna, Andrea <AndreaMcKenna@gov.nl.ca> wrote:

Hi

I tried you back on your line but I wasn’t able to leave you a message. For planning purposes, at this stage I would plan that TW requires the same amount of space that we currently occupying in Hangar 3.

Thanks,
Andrea

Andrea McKenna
Director – Planning & Accommodations
Department of Transportation & Works
West Block, Confederation Building
PO Box 8700
St. John’s, NL A1B 4J6

E. andreamckenna@gov.nl.ca
T. (709) 729-4422
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Thanks Andrea. This is much better than what I have with the lease.

-----Original Message-----
From: McKenna, Andrea [mailto:AndreaMcKenna@gov.nl.ca]
Sent: Tuesday, November 15, 2016 9:54 AM
To: 
Cc: Grandy, Cory
Subject: Hangar 3 drawings

Hi

Further to your request this morning please find attached the floorplans for Hangar 3. Please let me know if you require anything further.

Thanks,
Andrea

Andrea McKenna
Director - Planning & Accommodations
Department of Transportation & Works
West Block, Confederation Building
PO Box 8700
St. John's, NL A1B 4J6

E. andreamckenna@gov.nl.ca
T. (709) 729-4422
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