May 13, 2013

Dear [Redacted]

Re: Your request for information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FA/10/2013]

On March 12, 2013, the Department of Fisheries and Aquaculture received your request for access to the following records:

I am requesting, under the Access to Information Act, information to confirm whether there are any field trials in the use of any type of vaccinations in finfish farms in the province.

A vaccine clinical field trial is currently being conducted in Newfoundland and Labrador; however, it is in the preliminary stage. Disclosing any information prior to the trial being completed would be considered harmful to the business interests of a third party. Access has been refused to these records in accordance with Section 27 of the Access to Information and Protection of Privacy Act (the “Act”), particularly the following subsections: Section 27(1)(a), 27(1)(b), 27(1)(c)(i), 27(1)(c)(ii), and 27(1)(c)(iii). See attached references. The trial is expected to be completed in two and half years and the report published and publicly available in four years.

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 for 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 Supreme Court, 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 responsive records will be published following a 72-hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's 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 Kim Anstey-Stockwood, ATIPP Coordinator, at (709) 729-3712.

Sincerely,

[Signature]

David Lewis  
Deputy Minister (A)

Attachment
ATIPPA Exceptions

Disclosure harmful to business interests of a third party

27. (1) The head of a public body shall refuse to disclose to an applicant information that would reveal

(a) trade secrets of a third party;

(b) commercial, financial, labour relations, scientific or technical information of a third party, that is supplied, implicitly or explicitly, in confidence and is treated consistently as confidential information by the third party; or

(c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to

(i) harm the competitive position of a third party or interfere 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 significant financial loss or gain to any person or organization, 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.