May 9, 2013

Dear [Redacted] - s.30(1)

Re: Your request for access to Information under Part II of the Access to Information and Protection of Privacy Act [Our File #: IAAS/002/2013]

On April 10, 2013 the Intergovernmental and Aboriginal Affairs Secretariat received the CBC's request for access to the following records:

1. All documents related to requests by CBC News and/or CBC Television and/or The Fifth Estate for permission to obtain hospital-specific data from the Canadian Institute for Health Information (CIHI).
2. All documents related to requests by CBC News and/or CBC Television and/or The Fifth Estate to hospitals to complete CBC's hospital survey as part of the project entitled “Vital Signs: Inside Canada's Hospitals.”
3. All documents related to requests by CBC News and/or CBC Television and/or The Fifth Estate to produce an Internet-based resource that rates hospitals.

Time Period of records: December 1, 2012 to present.

The CBC has since contacted the Secretariat to advise that you have become the applicant for this request. I am pleased to inform you that your request for access to these records has been granted in part. In particular, access is granted to the following records:

All correspondence between the Intergovernmental and Aboriginal Affairs Secretariat and the Department of Health and Community Services pertaining to requests by CBC News and/or CBC Television and/or The Fifth Estate as outlined above.

However disclosure of portions of this correspondence 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 23 (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to (a) harm the conduct by the government of the province of relations between that government and the following or their agencies: (i) the government of Canada or a province [and/or] (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.

P.O. Box 8700, St. John's, NL, Canada A1B 4J8
Also, a portion of this correspondence has been redacted because it is non-responsive to the request.

As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure 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 note that only those records incremental to those provided through HCS/004/2013 are enclosed.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy 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 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, Station 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 Mark Janes at (709) 729-5036.

Sincerely,

[Signature]

PAUL SCOTT
Assistant Deputy Minister
Janes, Mark

From: Janes, Mark
Sent: Tuesday, March 12, 2013 4:09 PM
To: Cutler, Rachelle
Subject: RE: HCS 004 2013

I'll keep you posted on my progress. Right now I'm aiming for Thursday at the latest.

From: Cutler, Rachelle
Sent: Tuesday, March 12, 2013 4:07 PM
To: Janes, Mark
Subject: HCS 004 2013

Hi Mark

I'm just checking in on the status of your review on this file. If you have any questions or concerns, you can give me a call.

Thank you,

Rachelle

RACHELLE CUTLER | ATiPP Coordinator/Health Policy Analyst
Policy Development and Legislative Affairs
Department of Health and Community Services
Government of Newfoundland Labrador
P.O. box 8700
St. John's, NLA1B 4J6
709-729-7776(t) | 709-729-5824(f) | rachellecutter@gov.nl.ca
Certainly. I'm hoping to have something to you today.

Hi Mark,

How are you? Hope you had a good weekend. I was wondering if when you complete your review of HCS 004 2013, can you please respond via email with your questions and/or concerns? This is to ensure I have documentation available if needed.

Thanks,

RACHELLE CUTLER | ATIPP Coordinator/Health Policy Analyst
Policy Development and Legislative Affairs
Department of Health and Community Services
Government of Newfoundland Labrador
P.O. box 8700
St. John’s, NL A1B 4J6
709-729-7776(f) | 709-729-5824(f) | rachellecutler@gov.nl.ca
Rachelle,

The following provides a near comprehensive list of the areas I believe should be re-visted providing they have not already been redacted. I say near comprehensive because there may be instances cited below that are repeated throughout the package where I didn't cite every individual occurrence. That said, I refined my approach when I took up this exercise again today at page 105. Therefore, the citations from page 105 onward are indeed comprehensive. Also, I am citing the first page of what in some instances may be only the beginning of a section, however I'm confident that this will be obvious when you look at it.

What I've cited below are instances where consideration must be given to the fact that the material in question comprises work prepared by another PT or references such work and/or positions. I understand that you have forwarded a copy of this package to those PTs that are referenced within. Where they give consent for release I see no harm in releasing materials. However, where consent has not been given I advise that those sections be redacted based on Section 23 – Harmful to Intergovernmental Relations. This has been standard practice when material provided by another PT has been deemed responsive to an access request.

Page 9 — Section 23-1(a)(i) and (b)
Page 28 — reference to PEI
Page 46 — On my version of the package passages that have been redacted in other instances are not redacted here
Page 58 — NS reference
Page 59 — MB reference
Page 71 — MB reference
Page 77 — This type of stuff may be deemed ‘meaningless’ by CS
Page 83 — reference to AB
Page 87 — Section 23-1(a)(i) and (b)
Page 104 — blank
Page 105 — MB note (should be withheld in its entirety unless MB indicates otherwise)
Page 146 — teleconference call in information (I only cited this in the event that access numbers do not change between calls)
Page 152 — MB note
Page 154 — Teleconference call in Info
Page 164 — Section 23-1(a)(i) and (b)
Page 172 — MB note
Page 174 — MB note
Page 178 — MB note
Page 181 — MB note
Page 193 — Reference to PTs
Page 201 — Reference to PTs
Page 210 — ON correspondence
Page 224 — ON correspondence
Page 227 — ON Correspondence
Page 230 — MB comments
Page 247 — Reference to PTs
Further explanation is only a phone call away!

Thanks Rachelle,
Mark

Mark Janes
Senior Analyst
Resource & Fiscal Policy
Intergovernmental and Aboriginal Affairs Secretariat
Executive Council
Government of Newfoundland and Labrador
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Confederation Building
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c (709) 730-6275
f (709) 729-5038

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From: Cutler, Rachelle  
Sent: Tuesday, March 19, 2013 9:25 AM  
To: Janes, Mark  
Subject: HCS 004 2013

Hi Mark

How are you? Hope you had a good weekend. I was wondering if when you complete your review of HCS 004 2013, can you please respond via email with your questions and/or concerns? This is to ensure I have documentation available if needed.

Thanks,

RACHELLE CUTLER | ATIPP Coordinator/Health Policy Analyst
Policy Development and Legislative Affairs
Department of Health and Community Services
Government of Newfoundland Labrador
P.O. box 8700
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