October 10, 2017

Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: OCIO/011/2017]

On October 2, 2017, the Office of the Chief Information Officer received your request for access to the following records:

Part 1:

“This is an ATIPP Request for all records pertaining to the matter of changing fields in records not provided to me to date.

The attached record is a good example. In 2009, the Court was known as the Unified Family Court. The name of the Court changed in 2010 to the Supreme Court of Newfoundland and Labrador, Trial Division (Family). Also the attached record does not contain the original Court File Number, which was on the record when it was first generated and printed on March 31, 2009.”

Part 2:

“My ATIPP Request is also for all records pertaining to similar problems with case management systems other than the one with Support Enforcement.”

Please be advised that a decision has been made by the Chief Information Officer for OCIO that access to these records has been refused in accordance with section 21(1)(b) and section 21(1)(c)(iii) of the Access to Information and Protection of Privacy Act, 2015 (the Act):

21(1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that

(b) the request is for information already provided to the applicant; or

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729.3543 f 709.729.6767
(c) the request would amount to an abuse of the right to make a request because it is
(iii) excessively broad or incomprehensible, or

The Chief Information Officer (CIO) is of the opinion that part 1 of the request is a request for information already provided to you in response to ATIPP Request OCI0/007/2017. It is also the opinion of the CIO that the 2nd part of the request is worded or structured in a way that is very broad and too general in scope, making it difficult if not impossible to identify responsive records. Attempts to have you clarify or narrow the scope resulted in further broadening of the request.

The Office of the Privacy Commissioner has approved the decision of the Chief Information Officer to disregard the access request in accordance with section 21(1)(b) and section 21(1)(c)(iii) on Friday, October 6, 2017.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may appeal this decision directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52(1) of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact me by telephone at 709-729-3543 or by email at kimberlyporter@gov.nl.ca

Sincerely,

Kim Porter
ATIPP Coordinator

Enclosures
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).