Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FIN-16-2018; FIN-17-2018; & FIN-19-2018]

On January 30, 2018, the Department of Finance received your three access to information requests for the following:

“FIN-16-2018 Any email correspondence and written correspondence regarding the Council of Independent Community Pharmacy Owners (CICPO)”

“FIN-17-2018 All written and email correspondence regarding the Pharmacists' Association of Newfoundland and Labrador (PANL)”

“FIN-19-2018 All email or written correspondence regarding Lawton's Drugs, Shopper's Drug Mart, The Drugstore, Dominion, Sobey's, The Empire Group, Costco, WalMart, McKesson, Guardian Drugs, ESI, Express Scripts regarding drug pricing, pharmacy operation, NLPDP agreement, Insurance, pharmacist, tariffs, pharmacy regulatory, mail-order pharmacy, Newfoundland and Labrador Pharmacy Network from January 2012 to present.”

Please be advised that a decision has been made by the Department of Finance, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with subparagraphs 21.(1)(a) and 21(1)(c)(iii) of the Access to Information and Protection of Privacy Act, 2015 which provides the following:

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

(a) the request would unreasonably interfere with the operations of the public body
(b) the request would amount to an abuse of the right to make a request because it is
(c) excessively broad or incomprehensible

The Access to Information and Protection of Privacy Act (the 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 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, which provides the following:

**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).

If you have any further questions, please feel free to contact the undersigned by telephone at 709-729-2082, or by email at bethbartlett@gov.nl.ca.

Sincerely,

Beth Bartlett
ATIPP Coordinator