May 7, 2018

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FIN-51-2018]

On April 9, 2018, the Department of Finance received your access to information request for the following:

“All correspondence since June 1, 2015 between the Department and its executive/officials/staff and Newfoundland’s Privacy Commissioner and his officials/staff relating to draft legislation and section 112 of the ATIPPA 2015.”

The Department of Finance is pleased to advise that your request for access to the above noted information has been granted in part and is attached.

It is important to note the following when reviewing the attached:

- Some of the information contains information about the contents of a cabinet record. As such, this information has been severed pursuant to sections 27.(1)(i) and 27.(2)(a) (Cabinet Confidences) of the Access to Information and Protection of Privacy Act, 2015.
- Some of the information includes recommendations developed for and received by the public body. As such this information has been severed pursuant to sections 29.(1)(a) of the Access to Information and Protection of Privacy Act, 2015.
- Page 7 of the attached has been removed pursuant to sections 27.(1)(a)(i), 27.(2)(a), and 29.(1)(a).

Please note, further details on the exemptions applied above, may be viewed online at http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). 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. The address and contact information of the Information and Privacy Commissioner is as follows:

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729.2082 f 709.729.2070
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.

Please be advised that the response 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 response 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 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

Attachment
Dear Mr. Ring,

In accordance with section 112 of the ATIIPA 2015, please review the draft Bill Department of Justice will be placing it in your secure directory shortly.

Please advise at your earliest convenience if there are any privacy concerns. If you have any questions or comments, please contact Ms. Gail Boland or myself.

Thank you

Craig Martin

Craig Martin, CPA, CMA
Assistant Deputy Minister of Finance
Taxation and Fiscal Policy

☎: (t.) 729-2844 ☎: (f.) 729-2070
c: cmartin@gov.nl.ca
Really appreciate your quick response. Thanks.

Dear Gail,

The purpose of my e-mail today is to fulfil the Commissioner’s mandate in section 112 of the ATIPPA, 2015 to comment on draft bills that could have implications for access to information or protection of privacy. Commissioner Ring has asked me to prepare comments on his behalf. This comment is in relation to the bill.

Yours truly,
Sean Murray
Thanks. Talk to you then.

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi Gail,

I should be around most of today.

Thanks,

Donovan Molloy, QC
Information and Privacy Commissioner
Sir Brian Dunfield Building
3rd Floor, 2 Canada Drive
St. John’s, NL
Tel: (709) 729-6252
Fax: (709) 729-6500

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Donovan,

Donna Brewer is back to the office now and was hoping to chat with you today around 2:00. Are you available for a call?

Thanks.
Gail.

Sent from my BlackBerry 10 smartphone on the Bell network.
Further to our discussion re timelines.

The reform agreement was June 15, 2015. Relevant extract below

The Parties agree that, subject to section 6, the following provisions of this Section 2 represent the agreement of the Parties with respect to changes to the structure and control of the Plan (the “Structure Changes”):

2.1. There will be a Joint Sponsorship and Trust arrangement established for the Plan, as follows:

2.1.1. The trustee and Plan administrator of the Plan will be an independent corporation (the “Trustee Corporation”). The Trustee Corporation will not be a Crown corporation.

June 2015 Legislation did not include the Corporation framework. It just committed GNL to entering into a Joint Sponsorship Agreement and providing a promissory note to it.

EXPLANATORY NOTES

This Bill would amend the Teachers' Pensions Act to initiate pension reform measures.

The Bill would

- change contribution rates and the method of pension benefit and indexing calculation; and

- require that, where government has entered into a joint sponsorship agreement that provides the framework for a corporation to be established to administer the pension plan and act as trustee of the fund to be established for the pension plan, the government shall deliver a promissory note to that corporation, when established, which will amortize $1,862,000,000 over 30 years.

The one for the PSPP (for which the TPP was modelled) was December 2014

Similar provisions as to the above did not occur until June 2016 for the TPP.

As we discussed I will raise with the Sponsor Body for both the NLTA and the PSPP to ensure the Board puts in place a policy with respect to access to information and privacy.

You indicated you would check with your privacy analyst with respect to what other remedies (such as PIPEDA) may exist for members.

Gail will draft up questions which directors can apply in the future with respect to assessing potential access and privacy implications of future legislative changes.

Thanks for the discussion. It is all a learning experience

Donna
Please see attachment.

Thanks,

Donovan Molloy, QC  
Information and Privacy Commissioner  
Sir Brian Dunfield Building  
3rd Floor, 2 Canada Drive  
St. John’s, NL  
Tel: (709) 729-6252  
Fax: (709) 729-6500  

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