Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HCS/080/2018]

On June 6, 2018, the Department of Health and Community Services (the Department) received your request for access to the following records:

“I request any correspondence between Janssen Inc., or someone on its behalf, and the Ministry of Health and Community Services regarding biosimilar infliximab (e.g. Inflectra, Remsima, or Renflexis).”

I am pleased to inform you that a decision has been made by the Department, to provide access to some the requested information. Access to the remaining information contained within the records, 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):

Page 1, 5, 10, 16-17: Non-Responsive

Page 29: Policy Advice or Recommendations
29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.

Pages 9, 21, 29-30: Disclosure harmful to business interests of a third party
39. (1) The head of a public body shall refuse to disclose to an applicant information
(a) that would reveal
(i) trade secrets of a third party, or
(ii) commercial, financial, labour relations, scientific or technical information of a third party;
(b) that is supplied, implicitly or explicitly, in confidence; and
(c) the disclosure of which could reasonably be expected to
(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party.

Pages 18-30: Disclosure harmful to the financial or economic interests of a public body
35. (1) The head of a public body may refuse to disclose to an applicant information
(d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

Section 40(1): Disclosure Harmful to Personal Privacy
40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.
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:
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 responsive records 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 responsive records 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 contact the undersigned by telephone at 709-729-7010 or by email at MichaelCook@gov.nl.ca.

Sincerely,

Michael Cook
ATIPP Coordinator
/Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing 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) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
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).
HCS/080/2018

Correspondence
Hello There,

I was watching the news this evening and saw the fiscal update. I am sorry to see this. I thought I would reach out and remind you about the proposal – if it helps.

If you would like to chat and if you think there is anything else Janssen can do to help let me know.

Good luck with it all – not easy to manage such a large fiscal challenge.

All the best,
Brenda

Brenda Fisher
Strategic Affairs Manager, Atlantic Canada

Mobile: 19 Greenbelt Drive, North York, Ontario, M3C 1L9
e-mail: @its.jnj.com

"It is not the strongest species that survive, nor the most intelligent, but the ones most responsive to change." (Charles Darwin 1809-1882)
Hi John,

I hope you are having a great day.

I thought I would follow up as I am sure there is a sense of urgency for you regarding every day this sits on someone’s desk.

Let me know if there is any additional information you need from me.

Thanks again for your attention to this. All the best!
Brenda

Brenda Fisher
Strategic Affairs Manager, Atlantic Canada

Mobile: (709) 19
19 Greenbelt Drive, North York, Ontario, M3C 1L9
e-mail: Brenda@its.jnj.com
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Hi John,

Thank you so much for your time this morning I really appreciate it. The following is a recap of our discussion.

Situation:
- There is a Subsequent Entry Biologic (Inflectra) on the market
- Janssen would like to be competitive and maintain physician and patient choice in treatment
- 6 weeks ago Janssen presented a proposal to the Pan Canadian Pharmaceutical Alliance (PCPA),
Hi Alicia,

I finally made it home. Thank you for your email, I really appreciate it. I'm not sure if Joy had the opportunity to inform you of my role and responsibilities in Newfoundland and Labrador. Most importantly, I live [s. 40(1)] and work for Janssen, a Johnson & Johnson Company and I am responsible for the Atlantic region. Janssen has a very strong presence here in Newfoundland, specifically through our Bioadvance clinics situated across the province. Patients at these clinics are infused with one of our products called REMICADE. REMICADE is used to treat rheumatoid arthritis, psoriasis, crohn's disease, and ulcerative colitis. This is a very important medication in Newfoundland as Newfoundlander have some of the highest incidences in North America. Most
recently there have been unprecedented changes in policy at the Newfoundland and Labrador Prescription Drug Program which will negatively impact patient outcomes. These current and impending changes could also impact patient safety. I think it is imperative that the Ministry is fully informed regarding the changes and what this means to patients, any Pharmaceutical policy MUST be based on science, positive patient outcomes and most important patient safety.

I would like to meet and discuss the challenges identified for REMICADE patients, & share with you solutions we have identified, recognizing cost containment as a priority in Newfoundland and Labrador. While cost containment is a priority for the province, Janssen’s solution not only addresses this but also allows for patient & Physicians scientific choice, while adhering to patient safety and ensuring positive patient outcomes.

I would also like to brief you on the discussions Janssen is having with the Newfoundland and Labrador research team and investment - NLCHI, Dean of Medicine- Dean Rourke, Dr. Pat Parfey, Dr. Brendan Barrett and Dr. Proton Rahman. Our Janssen executive team will be visiting in July and I wanted to be sure you have the most recent information.

If you can suggest some times that work for you in the coming days I will rearrange my calendar to accommodate yours.

I look forward to meeting you. Have a terrific day.

Brenda

Brenda Fisher
Strategic Affairs Manager, Atlantic Canada
Janssen Inc.
Mobile: [Redacted]
19 Greenbelt Drive, North York, Ontario, M3C 1L9
e-mail: BrendaFisher@its.jnj.com

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From: Anderson, Alicia [mailto:AliciaAnderson@gov.nl.ca]
Sent: Tuesday, May 17, 2016 5:00PM
To: Fisher, Brenda [JOICA]
Subject: RE: Health Policy
Importance: High

Hi,

Yes, no worries at all. We can chat tomorrow. Safe travels!

Alicia Anderson, i.B.B.A. | Executive Assistant

To the Hon. John Haggie
Minister of Health and Community Services
MHA District of Gander
Government of Newfoundland & Labrador
Main Floor, West Block, Confederation Building
P.O. Box 8700, St. John's NL A1B 4J6
709-729-2074 | AliciaAnderson@gov.nl.ca

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Hi Alicia,

It is nice to electronically meet you. Thank you for responding to me I really appreciate it. I am just about to get on a plane. Is it okay if I follow up with you tomorrow when I am back in my office?

Thanks so much in advance,

Brenda

Sent from my iPhone

On May 17, 2016, at 4:01 PM, Anderson, Alicia <AliciaAnderson@gov.nl.ca> wrote:

Good afternoon Ms. Fisher,

I was forwarded your email on behalf of Joy Buckle. My apologies in the delay getting back to you. If you could provide some additional information regarding your email below, it would be greatly appreciated.

Best regards,

Alicia Anderson, i.B.B.A. | Executive Assistant

To the Hon. John Haggie
Minister of Health and Community Services
MHA District of Gander
Government of Newfoundland & Labrador
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Hi There,

I’m wondering if you are available to chat about the most recent Subsequent Entry Biologics decision. There is another side to this story and decision, I am not expecting it to be reversed I want to ensure that you and your team are aware of all the liabilities associated with a decision.

Joy I’m not even 100% sure if you are the correct contact. If you are not, if you would be so kind to direct me to the correct person I would really appreciate it. I look forward to hearing from you.

All the best Joy,

Brenda

Brenda Fisher
Strategic Affairs Manager, Atlantic Canada

Mobile: [Redacted]
19 Greenbelt Drive, North York, Ontario, M3C 1L9
e-mail: [Redacted]@its.jnj.com

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HCS/080/2018

Attachments