

July 26, 2018

COR/2018/073680

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/097/2018]**

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On July 20, 2018, the Department of Health and Community Services (the Department) received your request for access to the following records:

*“??? A written copy of the policy or policies concerning low income bus passes issued by your department. We understand the new policy requires recipients to have 8 MCP approved appointments per month to qualify. I believe prior to this policy bus passes were tied to income and not medical transportation. ??? How much has been spent on the program since the HCS has taken over the program? o How many bus passes are issued per month? o How many applications have been refused and on what grounds? o How any appeals have been made? o How many doctors' letters have been requested and received?”*

On July 23, 2018, the request was refined as follows:

*“Concerning the medical transportation benefits policy for Income Support clients which has recently moved from the Dept. of AESL to the Dept. of HCS: 1/ All correspondence and documents including reports, memos, emails, letters and minutes concerning the rationale for the recent revision of the procedure for coverage of bus passes, from direct provision of the pass to a bi-monthly payment for purchase; 2/ All correspondence including emails, letters, minutes and memos regarding complaints about this change in the procedure for bus pass coverage.”*

Please be advised that the Department does not have records responsive to your request. The responsibility for bus passes has not yet transferred from the Department of Advanced Education, Skills and Labour (AESL). Upon transfer of responsibility from AESL to the Department, there will be no immediate change to the policy. The Department plans to review the administration of the medical transportation assistance program with an aim to increase efficiency of client service.

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 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.

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](mailto: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).