

October 2, 2018



Dear 

Re: *Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/191/2018]*

On September 27, 2018, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“With respect to access to information requests under the ATIPPA, 2015, any record or records that document the names of employees that fulfill the legal requirement under the Act to provide records to the coordinator.”

On September 28, 2018, JPS sought clarification regarding your request. You advised that you were requesting “**blank**” copies of the form or forms used to document the names of employees that fulfilled the legal requirement to provide records to the ATIPPA coordinator in response to ATIPPA Requests made the Department of Justice and Public Safety. It also includes the **blank** copies of the form or forms used to document the names of employees that were contacted for any records responsive to ATIPPA Requests made to the Department of Justice and Public Safety. The time period is 2010 up until the date of my request.”

On September 28, JPS advised that it did not have any blank forms, and asked you to confirm that this was what you were seeking. On October 2, 2018, you confirmed your request was for “blank copies of records that would be consulted in order to determine the names of employees that provided records in response to a specific ATIPP request. If the court ordered the Department of Justice and Public Safety to provide the names of employees that responded to a specific ATIPP request, what records would be consulted to determine this?”

Please be advised that the Deputy Minister for JPS has reviewed this request and the department has no records responsive to your request.

In regards to your question (the second part of your request), please note that the *Access to Information and Protection of Privacy Act (ATIPPA), 2015* applies to records, therefore, it does not apply to your question. That being said, if a court ordered JPS to provide the names of employees that responded to a specific ATIPP request, the department would review its file in relation to a specific request and provide any information it had in relation to the court order.

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 ask the Information and Privacy Commissioner to review the processing of your access request as set out in section 42 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference). 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 appeal may be addressed to the Information and Privacy Commissioner 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* (a copy of this section of the *Act* has been enclosed for your reference).

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.

If you have any questions, please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Sonja El-Gohary".

Sonja El-Gohary
ATIPP Coordinator

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).