May 30, 2018

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/14/2018]

On May 1, 2018, the Premier’s Office received your request for access to the following records/information:

"I am seeking all e-mail correspondence between Elvis Loveless, executive assistant to Premier Dwight Ball, and PC MHA Tracey Perry for the period September 2017 to March 2018, inclusive."

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier’s Office to provide access to the requested information.

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 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.
This response will be published as outlined on the Completed Access to Information Requests website (http://atipp-search.gov.nl.ca/). If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

Joy Buckle
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).
Buckle, Joy

From: Loveless, Elvis
Sent: Tuesday, March 6, 2018 2:17 PM
To: Perry, Tracey
Subject: Re: Future of the Children of Bay d' Espoir

Sorry meant to respond before. The address seemed correct but I will forward it on.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Perry, Tracey
Sent: Sunday, March 4, 2018 10:11 AM
To: Loveless, Elvis
Subject: FW: Future of the Children of Bay d' Espoir

For some reason this bounced back from the Premier's email address? Can you send me the correct email?

Thanks so much,
Tracey

From: Perry, Tracey
Sent: Sunday, March 04, 2018 10:11 AM
To: premier@gov.nl.ca; Kirby, Dale
Cc: Osborne, Tom; Crocker, Steve; 'AnthonyStack@nlesd.ca'; townofmill@bellaliant.com; 'st.albans@nf.aibn.com'; kristenkendell@nlesd.ca; Connie Willcott (conniewillcott@nlesd.ca); Collier, Carolyn
Subject: Future of the Children of Bay d' Espoir

Please see the attached letter on behalf of concerned residents of Bay d' Espoir. We look forward to your response.

All the best,
MHA Tracey Perry
From: Perry, Tracey
Sent: Sunday, March 4, 2018 10:13 AM
To: Loveless, Elvis
Subject: FW: Future of the Children of Bay d' Espoir

fyi

From: Microsoft Outlook
Sent: Sunday, March 04, 2018 10:11 AM
To: Perry, Tracey
Subject: Undeliverable: Future of the Children of Bay d' Espoir

Delivery has failed to these recipients or groups:

premier@gov.nl.ca
The e-mail address you entered couldn’t be found. Check the address and try resending the message. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: STJH1407.PSNL.CA

IMCEAEX-O=PSNL_OU=First+20Administrative+20Group_cn=Recipients_cn=premier@PSNL.CA
#550 5.1.1 RESOLVER.ADR.ExRecipNotFound; not found #

Original message headers:

Received: from STJH1413.PSNL.CA (161.10.36.192) by
STJH1407.PSNL.CA (8.8.8.8) with msq; id
14.03.03d.061; Sun, 4 Mar 2018 10:10:36 -0300
Content-Type: application/msn-exchange
Content-Transfer-Encoding: binary
From: "Perry, Tracey" <Tracey.perry@psnl.ca>
To: "premier@gov.nl.ca"

Subject: "Future of the Children of Bay d' Espoir"
Thread-Topic: Future of the Children of Bay d' Espoir
Thread-Index: aA0-vYcPB3Jk0CxcQ187iqQ7a52DA==
P.O. Box 299  
St.Alban’s, NL  
A0H 2E0

March 4, 2018

Attention: Honourable Premier Dwight Ball and Honourable Minister Dale Kirby

Dear Honourable Sirs:

I would like to take this opportunity to once again thank you for your on-going efforts to work with us as we endeavor to provide the displaced students of Bay d’Espoir Academy with a new school.

This has been an emotional weekend for parents, who were initially elated with the news that $13 million is available from insurance; and we now all await the budget to learn what your Government plans to do for the children of Bay d’Espoir.

The elation was quickly followed by anguish, as a bewildering Telegram article on Friday past has many people wondering if it is your intent to refurbish the remains of the burnt 60 plus year old wooden structure. Based on the feedback I have been receiving, this would be the absolute worst possible news they could get.

Prior to the fire, the school council was actively lobbying the school board and Government for a new school. I personally met with them on several occasions, once in the basement of the structure that still stands, where their science lab was located. At that time, grave concerns were expressed about the inadequacy of the facility, the tight corridors, the fire hazards and the lack of wheelchair accessibility.

In fact, the Central Nova School Board agreed with their concerns, and had identified the area as Priority #5 for a new school. Then, the school boards merged. We were in the process of trying to ascertain where we fell in the priority plans of the new Board when disaster struck.

"Working for The People of Grand Falls-Windsor-Green Bay South"
HOUSE OF ASSEMBLY
Newfoundland and Labrador

It has been a long and difficult year, yet there have been some positives as well. The opportunity to once and for all acquire a new, modern-day school is one of them. Another is the consensus of parents, students and teachers that it does not matter where the school is located, as long as it is a new school that can offer top quality programming as we prepare our children for excelling in the future.

To this end, I reiterate on behalf of concerned residents of Bay d’ Esperi, anything less than a completely brand new, state of the art, non-flammable brick structure is unacceptable.

It is our understanding that the School Board has requested a new school. The School Council has requested a new school. The Municipalities have requested a new school. A petition signed by 766 residents has requested a new school. Any decision to the contrary flies in the face of these requests.

I trust that you will put the safety, well-being and future of the children above all else, and eagerly await news of your decision in the coming weeks.

I thank you in advance for your time and consideration.

Sincerely,

Tracey Perry

MHA Tracey Perry

Cc: Honourable Tom Osbourne, Minister of Finance
Honourable Steve Crocker, Minister of Transportation and Works
Mr. Tony Stack, CEO, Newfoundland and Labrador English School Board
Town Councils of Milltown-Head of Bay d’ Esperi, St. Albans and Morrisville
Ms. Connie Willcott, Principal, Bay d’Espoir Academy
Ms. Priscilla Hussey, Chair, Bay d’Espoir Academy School Council

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