Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/92/2018

On September 5, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:


Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. You will find a copy of responsive material attached.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

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 this letter 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 Office of Public Engagement's 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 me by telephone at 709-729-4797 or by email at JasonWhiteway@gov.nl.ca

Sincerely,

[Signature]
Jason Whiteway
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25, of the costs of reproduction, shipping and locating a record.

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).
Title: Suspension of Lobster Processing Licence at Quin-Sea Fisheries Limited, Southern Harbour on May 28, 2018.

Issue: Reinstatement of licence at Southern Harbour.

Background and Current Status:
- 161 crates inspected (approximately 16,100 pounds of lobster).
- 186 pounds of dead lobsters removed from lot and held for disposal (1.2%).
- All remaining crates have been secured under a Notice of Detention in full strength sea water outside of existing pound.
- Majority of dead lobsters were from 24 crates being held in the original pound for 5 days. Mortalities associated with this small lot was (7-8%).

Action Being Taken:
- Inspection staff have recommended that the company now put crates in water for reconditioning upon arrival at site from buying stations. Previously, all crates were graded and then placed in holding pound. As of May 28, 2018, the company has followed inspector’s recommendations.
- Shute has now been set up to lower crates into pound to minimize or reduce shock. Previously, crates were simply dropped into pound at a vertical distance of 8-10 feet.
- Land based pound in Long Cove is now operational with a salt water intake and holding capacity of 300 crates.

Next Steps:
- Company has confirmed in writing, measures to be implemented to address high percentages of mortalities.
- Company needs to provide water sample results for any proposed holding facility.
- Reinstatement of lobster processing licence is recommended subject to the following conditions:
  - Notification to the department, via email, of all planned live shipments not less than 48 hours prior to the loading on a truck.
  - Notification to include location, estimated volume to be shipped, date and time of grading prior to loading truck, and destination.
  - Grading must be conducted not more than 24 hours prior to the loading of the truck for shipment.
  - Departmental inspection staff may oversee grading activity.

Prepared/Approved by: I. Burford / L. Companion
Ministerial Approval: June 6, 2018