On July 20, 2015, Service NL received a request for access to the following records/information:

"As per articles 7, 8 of the Access to Information and Protection of Privacy Act (the "Act"), we hereby request that you provide us with copies of the following within thirty (30) days of your receipt of this letter:

- All letters, memoranda, missives, messages, notes, e-mails, voicemails, correspondence, communications, records, forms, internal directives, internal guidelines and handbooks, administrative opinions, recommendations, draft and current legislation and related documents, draft and current regulations and related documents, and analysis, relating to:
  - Sex indication requirements on birth registrations, birth certificates, civil status documents, driver’s licenses and all other identity documents, including requirements and procedures relating to people who are trans and people who are intersex;
  - Sex designation change requirements and procedures, including requirements and procedures relating to people who are trans and people who are intersex. This includes, but is not limited to, any medical treatments, surgical requirements, psychological assessments, required forms, attestations, age requirements and related procedures and forms for minors, notice and consent requirements, citizenship or permanent residency requirements, and domicile or residency requirements;
  - Parental sex indication requirements (male/female) and parental category indication requirements (mother/father/parent) on the birth registrations, birth certificates, civil status documents and all other identity documents of their children, including requirements and procedures relating to people who are trans and people who are intersex;
  - The requirements and procedures for changing parental sex indications and parental category indication on identity and civil status documents, including requirements and procedures relating to people who are trans and people who are intersex. This includes, but is not limited to, any medical treatments, surgical requirements,
psychological assessments, required forms, attestations, age requirements and related procedures and forms for minors, notice and consent requirements, citizenship or permanent residency requirements, and domicile or residency requirements; and

- The procedures and requirements for changing names on birth registrations, birth certificates, civil status documents, driver’s licenses and all other identity documents relating to people who are trans and people who are intersex. This includes, but is not limited to, any medical treatments, surgical requirements, psychological assessments, required forms, attestations, age requirements and related procedures and forms for minors, notice and consent requirements, citizenship or permanent residency requirements, and domicile or residency requirements."

On July 29, 2015, the Applicant clarified the request to the following: “request records from the past year, as of July 2014. Second, I can narrow the types of documents. I do not need access to emails and other forms of correspondence, but kindly request access to any official missives, manuals, memoranda, guidelines, training information, handbooks, and the like.”

I am pleased to inform you that a decision has been made by Service NL to provide access to some of the requested information. This includes copies of the forms required to change designation of sex on a birth certificate under the current legislation. The current requirements can be found in section 26 of the Vital Statistics Act, which can be found at the following link: http://www.assembly.nl.ca/Legislation/sr/statutes/v06-01.htm#26. The requirements for applying for a driver’s licence is set out in section 45 of the Highway Traffic Act which can be found at this link http://www.assembly.nl.ca/Legislation/sr/statutes/h03.htm#43 and generally requires two pieces of government issued identification. The details are available on the Service NL website: http://www.service.nl.gov.nl.ca/drivers/DriversAndVehicles/driverLicensing/identification/documentation.html. As well, the Government of Newfoundland and Labrador indicated on July 22, 2015 that it will introduce amendments to the Vital Statistics Act, 2009 in the next sitting of the House of Assembly.

Access to pages 7 to 47 cannot be provided in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act). These documents contain legal advice provided to Service NL from a law officer of the Crown as well as documents that would reveal the deliberations of Cabinet. The follow exemptions apply:

Section 27(1)(a) to (d) “In this section, "cabinet record" means
(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
(b) draft legislation or regulations submitted or prepared for submission to the Cabinet;
(c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;
(d) a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material;”

Section 27 (2)(a): “The head of a public body shall refuse to disclose to an applicant a cabinet record”

Section 30. (1)(b): “The head of a public body may refuse to disclose to an applicant information
(b) that would disclose legal opinions provided to a public body by a law officer of the Crown.”

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.
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 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 (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 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 709-729-7437 or by email at ellenhaskell@gov.nl.ca.

Sincerely,

ELLEN HASKELL
ATIPP Coordinator

Enclosures
Access or correction complaint (Section 42)

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 (Section 52)

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).
Birth Registration Form Important Instructions

General Instructions
A. This document is a permanent legal record. The child's information will be registered as it appears on this form. Failure to complete this document accurately may result in delays in registration.
B. The birth of every child born in the Province of Newfoundland and Labrador must be registered within 30 days of the date of birth.
C. It is an offence to make a false statement on this form. An individual who willfully makes a false statement on this form and is guilty of an offence may, on conviction, be liable to a penalty.
D. If you make a mistake when filling out this form, cross out and initial the incorrect information and enter the correct information.
E. The completed form can be mailed in the attached self-addressed envelope or dropped off at Vital Statistics Division, Motor Registration Building, 149 Smallwood Drive, Mount Pearl, NL.

Child's Information
A. The order in which the given names are entered on this form is the order in which they will appear on an official birth certificate.
B. The birth of a child shall be registered showing the surname as mother's surname, father's surname, hyphenated combination of both, or any surname chosen by the parents.
C. First, second, all other given names and surnames are not to be enclosed in brackets or quotation marks. Anything in brackets will be ignored. Quotation marks will be removed.

Parents' Information
A. A “mother” is the woman who gave birth to the child.
B. A “father” is the biological father of the child or, if the child was conceived as a result of artificial insemination, the spouse or cohabitating partner of the mother.
C. An “other parent” is the spouse or cohabitating partner of the mother, if the child was conceived as a result of artificial insemination.
D. A “cohabitating partner” means either of two persons who have lived in a conjugal relationship outside of marriage for at least one year.
E. A mother, father or other parent may only be named on the child's birth registration, if he/she signs the birth registration form.
F. The above rules do not apply if a person has been declared to be the parent of a child by a Court Order issued under the Children's Law Act or the Adoption Act.

Biological Mother's Information
A. The mother's maiden name is the mother's surname before her first marriage.

Father/ Other Parent's Information
A. The father's/other parent's maiden name is the father/other parent's surname before his/her first marriage.

Release of Information – Medical Care Plan (MCP), Progressive Family Growth Benefit and Parental Support Benefit, Social Insurance number and Canada Child Benefits Application
A. If you have applied for the Insurance of a MCP card for your newborn child, the information you have provided on this form will be sent to the Department of Health and Community Services. The Department will use the information to process the application for MCP coverage for the child, and for administrative, statistical, and law enforcement purposes permitted under the authority of the Medical Care Insurance Act, 1999, the Access to Information and Protection of Privacy Act, and the Personal Health Information Act. The child's MCP card will be mailed to the address of the person whose signature is provided. If you have any questions about the use or collection of this information please contact MCP toll free at 1-800-563-1557.
B. If you applied on the reverse of this form for the Progressive Family Growth Benefit and Parental Support Benefit for your child, the information will be sent to the Department of Finance, Tax Administration Division after the birth registration is completed. If you do not consent, the information on your Birth Registration Form will not be forwarded to the Tax Administration Division. Under the authority of the Progressive Family Growth Benefit and Parental Support Benefit personal information is collected in order to assess the applicant’s eligibility for the program. This information is kept confidential and handled as required by the Access to Information and Protection of Privacy Act. Any questions or comments can be directed to the Tax Administration Division toll free at 1-866-990-3444 or by email to parentaibenefits@gov.nl.ca.
C. If you applied on the reverse side of this form for a Social Insurance Number (SIN) for your child, the information will be sent to Service Canada (operating within Employment and Social Development) after the birth registration is completed. There is no fee to apply. To use this service to apply for your child's SIN, you must be a Canadian citizen or permanent resident. If you are not a Canadian citizen or permanent resident, you may still be eligible to apply for your child's SIN, but will need to apply directly to Service Canada. If you do not consent, the information on your birth registration form will not be forwarded to Service Canada. For further information relating to your privacy rights, see the enclosed Service Canada insert or information can be obtained at www.servicecanada.gc.ca.
D. If you applied on the reverse side of this form for the Canada Child Tax Benefit (CCTB), the Universal Child Care Benefit (UCCB), the Goods and Services Tax/Harmonized Sales Tax (GST/HST) credit, including any provincial or territorial programs administered by the Canada Revenue Agency (CRA), the information will be sent to the CRA after the birth registration is completed. If you do not consent, the information on your birth registration form will not be forwarded to the CRA. The CRA is permitted to collect and use information being forwarded to them under the authority of the federal Privacy Act R.S.C., 1985, c. P-21.
I, ______________________________________________________, hereby certify that

1. On _____________________________________________________ I examined

   Surname: _____________________________________________________

   Given Name/s: _____________________________________________________

   Current Address: ___________________________________________________

   _____________________________________________________

   ______________________________________________________

   Date of Birth: ___________________________________________________

   Place of Birth: ___________________________________________________

2. As a result of transsexual surgery, the anatomical sex structure has been changed
   and the designation of sex of the person named above should be changed from
   ________ to ________ on the registration of birth.

3. I am legally qualified to practice medicine in the jurisdiction of ______________
   ________________.*

Signature: _______________________

Address: _______________________

   _______________________

Date: _______________________

- If outside Canada, evidence of licence to practice medicine in that jurisdiction
  must be attached
APPLICATION FOR CHANGE OF SEX DESIGNATION
ON BIRTH REGISTRATION

1. I, ___________________________ (given names) ___________________________ (surname)
having undergone transsexual surgery on the following date(s)
_______________________________________________________________________
_______________________________________________________________________
at _____________________________________________________________________
_______________________________________________________________________
(name and address of Institution)
do hereby make application to change the sex designation on my birth registration from
________________ to ______________.

2. The particulars of my birth are:
   a. Date of Birth  ___________________________________
   b. Place of Birth  ___________________________________
   c. Full Maiden name of Mother  _______________________
   d. Full name of father   ____________________________

3. The Medical Certificate of Dr. ________________________________
of ______________________________________________________, who performed the
transsexual surgery, and Dr. _______________________________________
of _________________________________________________________, who examined
me subsequent to the transsexual surgery, are attached.

Signature: _________________________________
Address: _________________________________
Postal Code: _____________________________
Date: _________________________________
MEDICAL CERTIFICATE OF TRANSSEXUAL SURGERY

I, ______________________________________________________________ hereby certify that

(please print)

1. I performed transsexual surgery on
Surname: __________________________________________________________

Given Name/s: ______________________________________________________

Current Address: ______________________________________________________

At: _________________________________________________________________

Date of Birth: ______________________________________________________

Place of Birth: ______________________________________________________

Date of Surgery: ______________________________________________________

Place of Surgery: ______________________________________________________

2. As a result of the transsexual surgery, the anatomical sex structure has been changed and
the designation of sex of the person named above should be changed from
________________________ to _______________________ on the registration of birth.

3. I was legally qualified to practice medicine in the jurisdiction of ______________________
_____________________________________* in which the transsexual surgery was
performed on the person in 1. above.

Signature: ______________________

Address: ______________________

Date: _________________________

* If outside Canada, evidence of licence to practice medicine in that jurisdiction must be
attached.