

November 23, 2018

COR/2018/075820

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/126/2018]

On November 9, 2018, the Department of Health and Community Services (the Department) received requests for access to the following records:

“All documents including correspondences (including email and letters), slides, notes and memoranda exchanged between the Newfoundland and Labrador Centre for Health Information (or one of its agents, employees or officers) and the Dept. of Health and Community Services respecting the Pharmacy Network.”

On November 16, 2018, this request was refined to “All documents including correspondences (including email and letters), slides, notes and memoranda exchanged from Jan. 1, 2016 to December 31, 2016 between the Newfoundland and Labrador Centre for Health Information and the Dept. of Health and Community Services respecting the Pharmacy Network”. On November 20, 2018 the request was refined further to correspondence.

Please be advised that a decision has been made by the Department of Health and Community Services, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with section 21(1)(a) and 21(1)(c)(iii) of the *Access to Information and Protection of Privacy Act, 2015* which provides that:

21. (1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that:

- (a) the request would unreasonably interfere with the operations of the public body;*
- (c) the request would amount to an abuse of the right to make a request because it is:*
 - (iii) excessively broad or incomprehensible.*

Please be advised that you may 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).

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.

If you have any further questions, please contact me by telephone at 709-729-7010, or by email at MichaelCook@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Cook". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Michael Cook
ATIPP Manager
/Enclosures

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).