

FLR/75/2018

September 5, 2018

Dear Applicant:

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* FLR/75/2018**

---

On July 23, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“All records of PCR and any other genetic analysis for ISAv for the Spyglass Cove and MacGrath’s South open net pen sites for 2017 and 2018. Especially any sequencing results. Also, ISAv positive testing results, including any genetic analysis and sequencing for Cooke hatcheries and open net pen sites in NL for 2017 and 2018.”**

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, Str. 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](mailto:JasonWhiteway@gov.nl.ca)

Sincerely,



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).



Site	Company	PCR results	Sequencing	Status	Year
Olive Cove	COS	HPR0	HPR0	No required regulatory action	2017
Grip Cove	COS	HPRΔ	RPC# 23	Quarantine Order - site depopulated	2017
The Matchems	COS	HPRΔ	RPC# 23	Quarantine Order - site depopulated	2018
Spy Glass Cove	MH	HPRΔ	RPC# 11	Quarantine Order - site depopulated	2018
Stephenville Hatchery	MH	HPR0	HPR0	No required regulatory action	2018
Robin Hood Cove	COS	HPRΔ	RPC# 23 and 18	Quarantine Order - site depopulated	2018
North West Cove	COS	HPRΔ	RPC# 25 and 26	Quarantine Order - currently depopulating	2018
Tilt Point	MH	HPRΔ	RPC# 11	Quarantine Order - site depopulated	2018
McGrath's Cove South	MH	HPR0	HPR0	No required regulatory action	2018

**Legend**

COS Cold Ocean Salmon  
 MH Marine Harvest (Northern Harvest Sea Farms)  
 HPR0 Non-pathogenic - not known to cause disease  
 HPRΔ Pathogenic ISAv