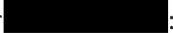


December 14, 2018



Dear :

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/199/2018]**

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On October 22, 2018, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

**“During the time period of April 1, 2009 to the present: 1. Any requests for proposals for external legal services from the Department of Justice and Public Safety, or any other "public body" as defined in s. 2(x) of the Access to Information and Protection of Privacy Act, 2015, SNL 2015, c A-1.2 ("ATIPP"), relating to the recovery of health care costs pertaining to opioid use, side effects and/or addiction, including, without limitation, the recovery of health care costs under the Health Care Costs Recovery Act, SBC 2008, c 27 (the "HCCRA") and/or parallel legislation in other provinces and territories; and including, without limitation, any deliberations, discussions, evaluations or other information related to any such requests for proposals, and the preparation of any such proposals. 2. Any agreements entered into for external legal services related to the recovery of health care costs pertaining to opioid use, side effects and/or addiction, including recovery under the HCCRA and/or parallel legislation in other provinces and territories, or pursuant to any requests for proposals for external legal services described in point 1, above. 3. Any policies, standing orders, terms and conditions, or other documents regarding procurement applicable to requests for proposals for external legal services, described in point 1, supra, or agreements described in point 2, above. 4. Without limiting the request set out in point 2, any agreements entered into between: (i) the Government of Newfoundland and Labrador, or any "public body" as defined in s. 2(x) of ATIPP; and, (ii) any law firms, including without limitation Branch MacMaster LLP or Camp Fiorante Matthews Mogergerman or Howie Sacks and Henry LLP, relating to the recovery of health care costs pertaining to opioid use, side effects and/or addiction, including recovery under the HCCRA and/or parallel legislation in other provinces and territories, or pursuant to any requests for proposals for external legal services described in point 1, above. 5. Any agreements entered into, or correspondence exchanged, between: (i) the Government of Newfoundland and Labrador, or any "public body" as defined in s. 2(x) of ATIPP; and, (ii) any other federal, provincial or territorial government or agency, relating to the latter's participation in an action to recover health care costs pertaining to opioid use, side effects and/or addiction, including recovery under the HCCRA and/or parallel legislation in other provinces and territories.”**

On November 16, 2018, you were advised that the deadline for responding to the request had been extended for an additional 20 business days, with approval from the Office of the Information and

Privacy Commissioner.

In regards to your request, JPS had records relating to part 5. Specifically, correspondence between JPS and other federal, provincial or territorial governments.

Please be advised that a decision has been made by the Deputy Minister of JPS that access to these records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

30. (1) The head of a public body may refuse to disclose to an applicant information  
 (a) that is subject to solicitor and client privilege or litigation privilege of a public body; or

31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to  
 (l) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to  
 (a) harm the conduct by the government of the province of relations between that government and the following or their agencies:  
 (i) the government of Canada or a province, or  
 (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Additionally, information has been withheld under common law settlement privilege.

Please note that the exceptions listed above were used on the following pages:

Section(s) cited	Reason for withholding	Page #
s.30(1)(a);	Information protected by solicitor-client privilege.	1-967, 1534-1939
s.34(1)(a)(i); s.34(1)(b)	Information that was received in confidence, and the disclosure of which would be harmful to intergovernmental relations.	1-1939
n/a	Common law settlement privilege	1-96, 100-255, 258-265, 323-736, 1690-1692, 1738-1936
s.31(1)(l)	Removal of participant code number for conference calls	96, 99, 262, 737-738, 740-741, 1787
s.31(1)(l)	Removal of link to documents in dropbox	732
s.40(1)	Contains personal information that can identify specific individuals.	128-200

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 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.

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 it 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 letter posted to the Completed Access to Information Requests 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 questions please contact me by telephone at 709-729-7128, or by email at [sonjaelgohary@gov.nl.ca](mailto:sonjaelgohary@gov.nl.ca).

Sincerely,

A handwritten signature in blue ink that reads "Sonja El-Gohary". The signature is written in a cursive style.

Sonja El-Gohary  
ATIPP Coordinator

### **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).