



COR/2018/05477

January 3, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: TW/095/2018]

On December 4, 2018, the Department of Transportation and Works received your request for access to the following records:

All requests/complaints/etc. received in the fall 2018, through the engage NL program relating to the 5 year roads plan for the following areas/routes. - Chapel Arm - Norman's Cove-Long Cove - Route 201.

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide to provide access to some of the requested information. Access to the remaining records, and/or information contained within the 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*):

Subsection 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.

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 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 further questions, please contact me by telephone at 709-729-5351 or by email at ATTW@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink that reads "Angela McIntyre".

Angela McIntyre
ATIPP Coordinator

Disclosure harmful to personal privacy

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.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

- (a) the applicant is the individual to whom the information relates;
- (b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;
- (c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;
- (d) an Act or regulation of the province or of Canada authorizes the disclosure;
- (e) the disclosure is for a research or statistical purpose and is in accordance with section 70;
- (f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;
- (g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;
- (h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;
- (i) public access to the information is provided under the *Financial Administration Act* ;
- (j) the information is about expenses incurred by a third party while travelling at the expense of a public body;
- (k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;
- (l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

- (i) personal information that is supplied in support of the application for the benefit, or
 - (ii) personal information that relates to eligibility for income and employment support under the *Income and Employment Support Act* or to the determination of income or employment support levels; or
- (m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:
- (i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or
 - (ii) receipt of an honour or award granted by or through a public body.
- (3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.
- (4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where
- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
 - (b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;
 - (c) the personal information relates to employment or educational history;
 - (d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;
 - (e) the personal information consists of an individual's bank account information or credit card information;
 - (f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;
 - (g) the personal information consists of the third party's name where
 - (i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

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

Engage NL, Fall 2018 - ATIPP TW/095/2018 Responsive Records

Route Name and/or Number:	Nearest landmark, municipality, or turn off:	Road Surface Condition - Please choose from one of the following issues/concerns:	Signage - Please choose from one of the following issues/concerns:	Guiderails - Please choose from one of the following issues/concerns:	Brush Clearing - Please choose from one of the following issues/concerns:	Bridges and Culverts - Please choose from one of the following issues/concerns:	Pavement deterioration such as cracking or weathering - Road Surface Conditions (select all that apply)	Roughness such as numerous potholes and/or bumps that affect driving comfort - Road Surface Conditions (select all that apply)	Rutting - Road Surface Conditions (select all that apply)	Shoulder deterioration - Road Surface Conditions (select all that apply)	Other - Road Surface Conditions (select all that apply)	Please provide a detailed description of the road surface conditions issue/concern:	Inadequate signage - Signage (select all that apply)	Missing/damaged signage - Signage (select all that apply)	Other - Signage (select all that apply)	Please provide a detailed description of the signage issue/concern:	Inadequate guiderails - Guiderails (select all that apply)	Missing/damaged guiderails - Guiderails (select all that apply)	Other - Guiderails (select all that apply)		
1	Old Cabot Highway	Chapel Arm, near Little Gut Road	1				1	1	1	1		The roads have plenty of potholes and they are impossible to avoid. While avoiding them you must hit the gravel on the side of the road to avoid them; even then you are still hitting the potholes. The result of potholes is a flat tire, which can be costly if you ruin your rim as well.									
2	201	Chapel Arm	1				1	1	1	1											
3	Old Cabot Highway	Chapel Arm	1					1				Rough driving condition, not just on the old Cabot Highway but all of the main road through the community of Chapel Arm and Norman's Cove. It's absolutely crazy you paved an area with not a thing wrong with it and left the area with the worst condition untouched. People are constantly having to replace parts on their vehicles because of it, including mine.									
4	201	Chance Cove Road in the community	1					1													
5	201	Norman's Cove	1				1	1	1			The road from Chapel Arm to Long Cove is in deplorable condition. It's a safety concern when driving on them.									
6	201 (Main Road) and Old Cabot Highway	Chapel Arm	1				1	1		1		There several sections of these roads that need to be paved. Patching has been done for several years but it does not last.									
7	201	Chapel Arm	1				1	1	1	1		We have been pleading with our member, to no avail. Our roads are in worse condition than they ever have been. Ruts, shoulders decayed, culverts blocked and endless potholes.									
8	201	Norman's Cove through Chapel Arm			1												1	1			
9	201	Norman's Cove	1				1	1	1	1		These roads are deplorable!!! As a working tax payer in this province, this is terrible condition for my morning and afternoon commute everyday!									
10	201	Chapel Arm through to Norman's Cove			1																
11	Route 201	Chapel Arm	1					1				Numerous potholes and craters in the pavement. There is no problem to do damage to your vehicle and ruin tires and rims.									
12	Chapel Arm, Norman's Cove, Long Cove	Chapel Arm	1				1	1	1	1		The roads in this area are all broken with large potholes. Sides of road are washed out and guard rails are missing in places. Roads are dangerous to drive on, especially late at night. It's bad enough in the day time driving on this but at night it is worse. Can't see where you are as roads are narrow. It is only going to take something to happen and then maybe someone will take notice of this situation. Hopefully it's not my family or the Government's.									
13	201	Norman's Cove	1				1	1	1	1											
14	201	Chapel Arm	1				1	1		1		This highway is in terrible condition and requires driving on the wrong side of the road in places. Work required from Chapel Arm to Chance Cove.									

Please provide a detailed description of the guiderails issue/concern:	Inadequate brush clearing	Other - Brush clearing	Please provide a detailed description of the brush clearing issue/concern:	Deterioration of the bridge structure such as disintegration, erosion, weathering, corrosion - Bridges and Culverts	Deterioration of the bridge expansion joint - Bridges and Culverts	Issue with bridge rail or barrier, including deterioration and damage - Bridges and Culverts	Bridge deck surface deterioration such as rutting, potholing, cracking - Bridges and Culverts	Culverts (Drainage issues, insufficient culvert capacity, corroded culvert) - Bridges and Culverts	Other - Bridges and Culverts	Please provide a detailed description of the bridges and culverts issue/concern:	Yes - Does the above noted issues/concerns impact your ability to safely navigate the provincial roads network?	No - Does the above noted issues/concerns impact your ability to safely navigate the provincial roads network?	How do the above noted issues impact your overall experience with the provincial roads network?	Do you have any additional comments about the Five-Year Provincial Roads Plan?
											1		If our roads are fixed, it will give me a positive experience with the provincial roads network. I feel our road isn't a priority due to the small population but the families that use the provincial roads deserve a safe commute from their home to wherever they are travelling.	I believe all deteriorating roads must be fixed because it is unsafe to drive your vehicle on a road full of numerous potholes, ruts and an unsafe edge of the road. The Old Cabot Highway road in Chapel Arm very much needs to be fixed. Our council fixed their portion of the road. Now it's the provincial government's job to do theirs. Thank you for all the work you have done so far and continue to do.
											1			
											1		The roads in the area are not the best and you have to drive around some pot holes because they are so big, which isn't safe at all.	
											1		We had half of our road paved 2 years ago and they left the other half undone... It's in deplorable condition... Can't even drive on it in winter at all... and Gull Pond Road is the same way - that's our access road for when Doehills is snowed in... terrible road conditions... we need it paved.	
											1			
											1			
											1		Our roads are a disgrace to our people and province, affecting tourism.	It needs to be implemented ASAP and not just used as an election ploy.
Several guardrails are missing and damaged along the road side.											1			
											1		It's terrible wear and tear on my brand new vehicle! I've ruined two tires already, as these roads are sometimes impassable with oncoming traffic and pedestrians on the roads, with no where to go but in one of those MASSIVE holes and tearing the sidewall out of a tire!	
	1		Brush clearing had started but they did not complete it and the ditches will not be capable of the snow clearing that will need to be done in this area!								1			
											1			
											1		Broken roads, potholes, guardrails. Road is bad!!!! Bad enough during the day let alone driving at night. Roads are narrow and not much room for cars to pass in certain areas, and a lot of pavement is broken with big holes (I have had to have one tire replaced already). Guardrails are missing in certain places.	Time to start moving on this before someone dies. I just hope it's no one in my family!!!!
											1		They're not doing a very good job with the roads.	It is a great idea if it works out.
											1		Terrible in the Norman's Cove-Long Cove area.	

Route Name and/or Number:	Nearest landmark, municipality, or turn off:	Road Surface Conditions - Please choose from one of the following issues/concerns:	Signage - Please choose from one of the following issues/concerns:	Guardrails - Please choose from one of the following issues/concerns:	Brush Clearing - Please choose from one of the following issues/concerns:	Bridges and Culverts - Please choose from one of the following issues/concerns:	Pavement deterioration such as cracking or weathering - Road Surface Conditions (select all that apply)	Roughness such as numerous potholes and/or bumps that affect driving comfort - Road Surface Conditions (select all that apply)	Rutting - Road Surface Conditions (select all that apply)	Shoulder deterioration - Road Surface Conditions (select all that apply)	Other - Road Surface Conditions (select all that apply)	Please provide a detailed description of the road surface conditions issue/concern:	Inadequate signage - Signage (select all that apply)	Missing/damaged signage - Signage (select all that apply)	Other - Signage (select all that apply)	Please provide a detailed description of the signage issue/concern:	Inadequate guardrails - Guardrails (select all that apply)	Missing/damaged guardrails - Guardrails (select all that apply)	Other - Guardrails (select all that apply)
15	Route 201 - Chapel Arm/Norman's Cove		1										1	1	1	Signs require update/replacement due to deterioration			
16	Route 201 - Chapel Arm/Norman's Cove					1													
17	Route 201 - Chapel Arm/Norman's Cove			1													1	1	
18	201 - Chapel Arm/Norman's Cove	1					1	1	1	1	1	Road is deteriorated and in poor condition. Number of large potholes, shoulder erosion, poor drainage/ ditching. This is also a bus route for all school children in the area. Need immediate attention							
19	201 - Chapel Arm	1					1					<p>§. 40(1)</p> <p>[REDACTED]</p> <p>However, due to neglect, lack of maintenance, and unrestricted commercial traffic, it is no longer just noise that we have to put up with. The cluster of potholes and the crumbling pavement has caused damage to our property, keeps us awake at night and poses a significant safety issue. We now have to deal with:</p> <ul style="list-style-type: none"> * Loud disruptive noise and vibrations as large commercial vehicles speed over the potholes. * Drivers from both directions using the narrow shoulder closest to our home to navigate away from the holes. * A vehicle crashing into the guardrail after losing control on ice buildup caused by improper drainage. * Loose gravel that has cracked a window and chipped a windshield. * \$437.38 to replace tires and a rim from hitting an unmarked, well known area of potholes. * Department of Transportation and Works trucks blocking our driveway during their occasional attempts to temporarily fill the potholes. * The constant worry that the guardrail, which is now sloping toward our house, will eventually give way, increasing the likelihood that a vehicle will come crashing into our living room. <p>This route has also been used as a detour (3 times in the past two years) allowing hundreds of vehicles, including dozens of transport trucks to speed through our community damaging our already fragile infrastructure. I've witnessed a convoy of loaded car carriers meeting transport trucks on this extremely narrow section of road, scraping the entire length of the guardrail as they attempt to squeeze past each other in a space that's not much wider than their combined width. Restrictions need to be in place and enforced to ensure the safety of residents and protect the roadways and bridges in our communities that weren't designed to handle the weight of these vehicles.</p> <p>This area has been neglected for several years. We are well overdue for new pavement and the basic maintenance required to protect our infrastructure. However, recent brush cutting in the area (contracted by DTW), which was designed to improve visibility will undoubtedly make our road conditions much worse. All of the debris was left blocking the drains and ditches which will undoubtedly lead to more drainage issues and subsequently increased deterioration of an already unsafe roadway.</p>							

Please provide a detailed description of the guiderails issue/concern:	Inadequate brush clearing Brush clearing	Other - Brush clearing	Please provide a detailed description of the brush clearing issue/concern:	Deterioration of the bridge structure such as disintegration, erosion, weathering, corrosion - Bridges and Culverts	Deterioration of the bridge expansion joint - Bridges and Culverts	Issue with bridge rail or barrier, including deterioration and damage - Bridges and Culverts	Bridge deck surface deterioration such as rutting, potholing, cracking - Bridges and Culverts	Culverts (Drainage issues, insufficient culvert capacity, corroded culvert) - Bridges and Culverts	Other - Bridges and Culverts	Please provide a detailed description of the bridges and culverts issue/concern:	Yes - Does the above noted issues/concerns impact your ability to safely navigate the provincial roads network?	No - Does the above noted issues/concerns impact your ability to safely navigate the provincial roads network?	How do the above noted issues impact your overall experience with the provincial roads network?	Do you have any additional comments about the Five-Year Provincial Roads Plan?
15														
16				1		1		1		Bridge near Pis-aux-Mere Road is narrow and deteriorated. A number of culverts require replacement. Catch basins require cleaning.	1			
17										Guiderails need repair/replacement.	1			
18											1			
19											1		As explained above, it not only affects my ability to safely navigate the roadways, it also poses a safety issue while at home due to being in such close proximity to the road as well as a sloping guardrail that's only a few yards away from my house.	Closing certain highway depots in the summer months may be an effective way to cut costs but it's causing a negative impact on communities in desperate need of summer maintenance and roadwork. A solution to this issue without creating additional financial strain would be to alternate the depots that are left operational in the summer months, allowing all communities to be serviced at least every second year.