November 2, 2015

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/040/2015]

Dear [Redacted]:

This is to confirm that on October 4, 2015, the Department of Justice and Public Safety received your request for access to the following records/information:

"This request is perhaps a bit too broad, and I would be happy to narrow it down if necessary. I am looking for existing records related to an RNC investigation from 1993 (February through June or July) which took place at the Village Mall. I have been able to locate court records for individual cases, and some transcripts for the cases which were appealed and then ended up in the Supreme Court of NFLD (Court of Appeal). I am wondering if there are any files available which came out of the police investigation or if there are ones that would help to explain how the investigation was initiated. Any information available from 1993 that connects the following items would be helpful: The Village Shopping Centre; the Royal Newfoundland Constabulary; indecency/indecent acts; and/or Section 173 of the Canadian Criminal Code. Please let me know if you have any questions."

The Department of Justice and Public Safety attempted to contact you for clarification on October 16th and again on October 28th. On October 28, 2015, you clarified your request to include:

"1) To see whether there are any additional files that I have not found relating to court cases and legal decisions. I am unable to get a full picture of what files are available, so I am trying to cast a wide net.
2) I am also looking for files related to the RNC investigation. Again, I don’t know what access researchers have to the files or whom I might contact to gain access. Any help would be greatly appreciated. Part of my interest in the latter files is the launching of the investigation because it was modelled in part on an earlier investigation in London, ON."

While the Department does have records (6 pages) which are responsive to Part I of your request, a decision has been made by the Deputy Minister for the Department of Justice and Public Safety to refuse access to these records in accordance with the following exception 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 
(b) that would disclose legal opinions provided to a public body by a law officer of the 
Crown.

For records relating to the Royal Newfoundland Constabulary (RNC) investigation (Part II), you 
will need to make an ATIPP request directly to the RNC. This request can be submitted to the RNC at 
RNCAAtipp@rnc.gov.nl.ca. Please note, to access the investigation files, you will be required to submit a 
‘Proof of Authority’ form. The Proof of Authority (Third Party) Consent Form is to be completed by any 
party who consents to the release of their personal information/statement as part of the ATIPP request. 
This form is available at:

http://www.atipp.gov.nl.ca/forms/pdf/Proof-of-Authority-Form.pdf

Please be advised that you may appeal this decision and ask the Information and Privacy 
Commissioner to review the decision to refuse 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, 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.

If you have any further questions, please feel free to contact me by telephone at 709-729-7906, or 
ncroke@gov.nl.ca.

Sincerely, 

[Signature]

Neil Croke 
ATIPP Coordinator