

Response to Applicant - Partial Access Granted
Form 4B

January 25, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-098-2018]

This is to confirm that on December 17, 2018 Service NL received your request for access to the following records/information:

“All correspondences, emails and information provided between Minister Sherry-Gambin-Walsh and Deputy Minister, Sean Dutton, concerning job competition #SNL.17.18.R0734-Manager of Workplace Health and Safety Inspection. Any information regarding rationale provided to Sherry Gambin Walsh on applicants who never received interviews, date enquiry made to Deputy Minister and date information provided to Minister Sherry Gambin-Walsh. Also, all information, emails, texts regarding the SPC meeting of Tuesday, April 24, 2018”

To clarify Service NL’s response, your request has been broken down into parts:

1. *“All correspondences, emails and information provided between Minister Sherry Gambin-Walsh and Deputy Minister, Sean Dutton, concerning job competition #SNL.17.18. R0734-Manager of Workplace Health and Safety Inspection.”*

I am pleased to inform you that a decision has been made by Service NL to provide access to some of the requested information.

Access to the remaining record, a resume, 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):

Section 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 Section 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.

2. *“Any information regarding the rationale provided to Sherry Gambin-Walsh on applicants who never received interviews, date enquiry made to the Deputy Minister and date information provided to Minister Sherry Gambin-Walsh.”*

I am pleased to inform you that a decision has been made by Service NL to provide access to some of the requested information (the same responsive records as in part 1 of your request; please refer to part 1).

The resume, being withheld under Section 40(1) of the Act, was compared to the qualifications and skills necessary for the position as outlined in the job advertisement posted by the Public Service Commission.

As required by Section 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.

3. *“Also, all information emails, texts regarding the SPC meeting of Tuesday, April 24, 2018.”*

Please be advised that a decision has been made by Service NL 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):

Section 27(1)(a), Section 27(2)(a): “In this section, “cabinet record” means advice, recommendations or policy considerations submitted or prepared for submission to Cabinet;” “ The head of a public body shall refuse to disclose to an applicant a cabinet record.”

Section 27(1)(c), Section 27(2)(a): “In this section, “cabinet record” means a memorandum, the purpose of which is present proposals or recommendations to cabinet;” “ The head of a public body shall refuse to disclose to an applicant a cabinet record.”

Section 27(2)(b): “The head of a public body shall refuse to disclose to an applicant information in a record other than a cabinet record that would reveal the substance of deliberations of Cabinet.”

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 feel free to contact me by telephone at 709-729-7437 or by e-mail at kimberlyryan@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Ryan".

KIMBERLY RYAN
ATIPP Coordinator
Service NL

Enclosures

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.

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(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).

Opportunity for Appointment - Public



Manager of Workplace Health and Safety Inspections

Competition Details

Referral Number: SNL.17.18.R0734
Opportunities: 1 Permanent Appointment
End Date: [Click here to enter anticipated end date for temp. positions](#)
Division: Occupational Health and Safety Division
Department: Service NL
Locations: Corner Brook
Closing Date: 1-Dec-17
Salary: \$72,821 - \$94,667 (HL-23)
Allowances:

Position Details

Context: Service NL is a diverse department acting as a single access point for many of the licensing, permitting, inspecting, and regulating functions within government. Service NL is comprised of two branches delivering a wide range of quality programs and services to protect the health and safety of Newfoundlanders and Labradorians; regulate and enforce workplace safety and health practices with initiatives that protect and inform the province's workforce; and regulation and information to protect the interests of consumers in a wide range financial activities taking place throughout the province. With such a broad scope of functions, Service NL offers a vast array of dynamic employment opportunities that focus on serving and protecting the people of Newfoundland and Labrador. [More](#)

SNL-098-2018

Duties: Reporting to the Director, the Manager of Workplace Health and Safety Inspections will be accountable for the management of a comprehensive inspection and occupational health and safety enforcement program within the framework of the Occupational Health and Safety Act. Specifically, the individual will ensure that relevant strategic approaches are developed and implemented by employers and industry associations; plans, co-ordinates, and supervises the activities of the Health and Safety inspections staff; provides technical and expert advice and support to staff; examines and evaluates operational plans and management systems through the implementation of programs within the Occupational Health and Safety Section; assists in the preparation of draft codes, rules and regulations as required, to develop appropriate standards for safe and healthy work conditions Help!

Merit Criteria

Screening Criteria :

Help!

<ol style="list-style-type: none"> 1. Completion of a degree or diploma in occupational health and safety (equivalencies will be considered) 2. Experience completing occupational health and safety inspections 3. Experience developing an occupational health and safety enforcement program 4. Completion of Canadian Registered Safety Professional (CRSP) designation (asset) 	<ol style="list-style-type: none"> 5. Experience managing financial resources (asset) 6. Experience supervising staff (asset)
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Assessment Criteria:

Help!

<ol style="list-style-type: none"> 1. Knowledge of occupational health and safety inspections 2. Knowledge of the Occupational Health and Safety Act 3. Knowledge of developing an occupational health and safety enforcement program 4. Resource management skills 	<ol style="list-style-type: none"> 5. Ability to think critically 6. Ability to communicate effectively (verbal) 7. Ability to communicate effectively (written) 8. Ability to lead others 9. Relationship building
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Employment Considerations

Conditions of Offer :

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Conditions of Acceptance :

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1. Willing to accept overnight travel (occasional)	
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Information for Applicants :

1. For more information about this opportunity please call: Loyola Power (709) 729-3275

- The Government of Newfoundland and Labrador values diversity in the work place and is an equal opportunity employer.
- Preference will be given to applicants who are legally entitled to work in Canada.
- Applications should be received before the close of business on the closing date - late applications with explanation may be accepted.
- It is the responsibility of the applicant to submit an application that demonstrates the required merit criteria. Applications that do not clearly demonstrate the required criteria will be screened-out.

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- **Applications must contain accurate contact information, including mailing address, email address and phone number.**
 - **All information submitted as part of an application may be subject to verification.**
 - **This competition may be used to fill future similar vacancies with the Government of Newfoundland and Labrador.**
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