February 19, 2019  
COR/2019/077604

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [HCS/026-050/2019]

On February 15, 2019, the Department of Health and Community Services (the Department) received requests for access to the following records:

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All correspondences sent between the Newfoundland Labrador Centre Health Information and Ms. Jamie O'Dea from January 1, 2014 to present.

• All correspondences sent between the Newfoundland and Labrador Pharmacy Board and Ms. Jamie O'Dea from January 1, 2014 to present.

• All correspondences sent between the Newfoundland Labrador Centre Health Information and Deputy Minister Colleen Janes concerning the Electronic Health Record from January 1, 2014 to present.

• All correspondences sent between the Newfoundland and Labrador Pharmacy Board and Deputy Minister Colleen Janes from January 1, 2014 to present.

• All correspondences sent between the Pharmacy Association of Newfoundland and Labrador and Deputy Minister Colleen Janes from January 1, 2004 to present.

• All correspondences sent between the Newfoundland Labrador Centre Health Information and Assistant Deputy Minister Michelle Jewer concerning the Electronic Health Record from January 1, 2014 to present.

• All correspondences sent between the Pharmacy Association of Newfoundland and Labrador and Assistant Deputy Minister Michelle Jewer from January 1, 2014 to present.
• All correspondences between the Newfoundland and Labrador Pharmacy Board and Assistant Deputy Minister Michelle Jewer from January 1, 2014 to present.

• All correspondences between Keith Sheppard, former Director of Pharmaceutical Services Division with the Department of Health and Community Services, and the Pharmacy Association of Newfoundland and Labrador.

• All correspondences between Keith Sheppard, former Director of Pharmaceutical Services Division of the Department of Health and Community Services and any Department of the Newfoundland and Labrador Government from January 1, 2014 to present concerning the Electronic Health Record.

• All correspondences between Elaine Power of the Department of Health and any Department of the Newfoundland and Labrador Government from January 1, 2014 to present concerning the Electronic Health Record.

• All correspondences sent between Keith Sheppard, former Director of Pharmaceutical Services Division with the Department of Health and Community Services, and the Newfoundland and Labrador Pharmacy Board.

• All correspondences sent between Keith Sheppard, former Director of Pharmaceutical Services Division with the Department of Health and Community Services, and the Premier's Office.

• All correspondences sent between Patricia Clark of the Pharmaceutical Services Division with the Department of Health and Community Services, and the Newfoundland and Labrador Pharmacy Board.

• All correspondences sent between Keith Sheppard, former Director of Pharmaceutical Services Division with the Department of Health and Community Services, and Mr. Dwight Ball from January 1, 2003.

• All correspondences sent between Colleen Simms, former Special Advisor to Minister of Health and Community Services, to the Premiers Office from January 1,
2003 to present concerning the Pharmacy Association of Newfoundland and Labrador.

• All correspondences from Colleen Simms, former Special Advisor to Minister of Health and Community Services, to the Newfoundland and Labrador Pharmacy Board from January 1, 2004 to present.

• All correspondences from Elaine Power of the Department of Health to the Newfoundland and Labrador Pharmacy Board from January 1, 2004.

• All correspondences from Elaine Power of the Department of Health to Pharmacy Association of Newfoundland and Labrador from January 1, 2004.

• All correspondences from Elaine Power of the Department of Health to the Newfoundland Labrador Centre Health Information from January 1, 2004.

• All correspondences from Patricia Clark to the Newfoundland and Labrador Pharmacy Board from January 1, 2003 to present concerning the Pharmacy Association of Newfoundland and Labrador.

• All correspondences between Patricia Clark of the Pharmaceutical Services Division with the Department of Health and Community Services to any department of the Newfoundland and Labrador Government concerning the Pharmacy Association of Newfoundland and Labrador.

• All correspondences between Patricia Clark of the Pharmaceutical Services Division with the Department of Health and Community Services and any department of the Newfoundland and Labrador Government Electronic Health Record.

• All correspondences between Patricia Clark of the Pharmaceutical Services Division with the Department of Health and Community Services and the Newfoundland and Labrador Pharmacy Board from January 1, 2003 to present concerning the Pharmacy Association of Newfoundland and Labrador.
Please be advised that a decision has been made by the Department of Health and Community Services, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with section 21(1)(a) and 21(1)(c)(iii) of the Access to Information and Protection of Privacy Act, 2015 which provides that:

21. (1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that:
(a) the request would unreasonably interfere with the operations of the public body; or
(c)(iii) the request would amount to an abuse of the right to make a request because it is excessively broad or incomprehensible.

Please note, had these requests been submitted one at a time, allowing the Department an appropriate amount of time to process in between, these requests would not necessarily have been approved for disregard.

Please be advised that you may 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).

The Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

If you have any further questions, please contact me by telephone at 709-729-7010, or by email at MichaelCook@gov.nl.ca.

Sincerely,

Michael Cook
ATIPP Manager
Enclosures
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).