

March 21, 2019



Dear 

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/7/2019]**

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On January 31, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

**“Please provide a list of all external consulting contracts commenced or renewed since Dec. 1, 2015. For each instance, please specify the name of the individual or company consulting, the date the contract was initially commenced or renewed, the date the contract was concluded (or, if it's still ongoing, please specify) and the total dollar figure paid to date to the consultant for that project.”**

On February 8, 2019, you narrowed the scope of your request to contracts relating to policy, legal and environmental consulting/assessment/etc. work. In regards to the legal contracts, you further clarified that you were looking for contracts regarding:

- Drafting of legislation;
- Interpretation of legislation;
- Compliance of government policy or programs with legislation;
- Legal risks and other assessments with respect to policy or draft policy;
- Constitutional issues;
- Labour negotiations; and
- Not the following: litigation; human resources related opinions; real estate or purchase and sale of government assets; or criminal matters.

On February 22, 2019, you were notified that the Office of the Information and Privacy Commissioner approved a 15 day extension for responding to your request.

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to some of the requested information. However, some information has been refused 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

#	Consultant	Description	Commencement	Completion	Total
1.	McInnes Cooper	Collective Bargaining Advisory Services	March, 2016	August, 2017	\$271,960.49
2.	Cox & Palmer	s.30(1)(a)	s.30(1)(a)	s.30(1)(a)	\$267,161.64
3.	Rogers Enterprises Ltd.	OH&S Consulting services for Fish and Wildlife Enforcement Division (FWED)	March, 2016	April, 2016	\$22,441.80
4.	Rogers Enterprises Ltd.	OH&S Consulting services for FWED	December, 2016	March, 2017	\$25,990.00
<b>Total:</b>					<b>\$587,553.93</b>

The description of work completed, and contract timeframes for Cox and Palmer are being withheld under solicitor-client privilege. This same information for McInnes Cooper is being released as it is available in the public domain.

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 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 questions please contact me by telephone at 709-729-7128, or by email at [sonjaelgohary@gov.nl.ca](mailto:sonjaelgohary@gov.nl.ca).

Sincerely,



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).