

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/20/2019)

On March 7, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“Good day, I am looking for any documentation related to Her Majesty’s Penitentiary relating to inmates receiving medical treatment for broken ankles/legs. Without disclosing identifying information, I would like: - Incident Reports which mention inmates having their ankles broken in altercations. - Reports by medical staff at HMP for treating broken ankles. - Emails between guards mentioning taking special care of inmates who have broken ankles. - Inmate transfers to civilian hospitals for treatment of broken ankles.”

On March 13, you narrowed the scope of your request to the following:

“I am looking for documentation related to inmates having their ankles broken, either by staff or other inmates, while incarcerated in Her Majesty’s Penitentiary. Without disclosing identifying information of the inmates involved, I would like to see for the last five years:

- Incident reports which mention inmates having their ankles or feet broken in an altercation with Corrections Officers or other inmates**
- Reports by medical staff at Her Majesty’s Penitentiary for treating broken ankles or feet.**
- Applications for temporary personal care staff, funded through Eastern Health, who have been hired to help an individual with broken ankles or feet to complete the tasks of daily living.**
- Inmate transfer forms to civilian hospitals for treatment of broken ankles or feet.”**

Please be advised that a decision has been made by the Deputy Minister for the Department of Justice and Public Safety, with approval from the Information and Privacy Commissioner, to disregard your request in accordance with subsection 21(1)(a) and subparagraph 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;*

The *Access to Information and Protection of Privacy Act* (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.

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).

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.

Sincerely,

A handwritten signature in blue ink that reads "Sonja El-Gohary". The signature is written in a cursive style.

Sonja El-Gohary
ATIPP Coordinator

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).