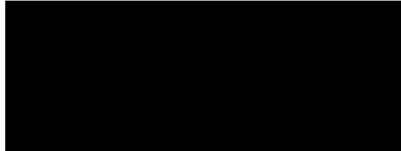


February 1, 2019



**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* [Our File #: PRE/7/2019]**

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On January 18, 2019, the Premier's Office received your request for access to the following records/information:

*"All records related to the July 28, 2017 open letter from five Canadian Senators to Premier Ball regarding the incarcerations of Labrador Land Protectors Jim Learning, Eldred Davis and Marjorie Flowers. Please include all responsive records between July 26, 2017 and Aug. 8, 2017."*

Please be advised that a decision has been made by the Chief of Staff of the Premier's Office to provide access to the information requested.

You may ask the Information and Privacy Commissioner to review this response, 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 response and why you are submitting the appeal.

Contact information for 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 this response, pursuant to section 52 of the *Act* (a copy of this section of the Act has been enclosed for your reference).

This response will be published as outlined on the Completed Access to Information Requests website. (<http://atipp-search.gov.nl.ca/>) If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at [joybuckle@gov.nl.ca](mailto:joybuckle@gov.nl.ca).

Sincerely,

A handwritten signature in black ink, appearing to be 'JB' with a flourish.

Joy Buckle  
ATIPP Coordinator  
Enclosure

## **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).

**Email Message**

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**From:** [Roberts, Edna \[EX:/O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=EROBERTS\]](#)  
**To:** [Samms, John \[SMTP:JohnSamms@gov.nl.ca\]](#)  
**Cc:**  
**Sent:** 7/27/2017 at 3:58 PM  
**Received:** 7/27/2017 at 3:58 PM  
**Subject:** Letter from Kim Pate for response

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**Attachments:** Email to Premier Ball from Senators calling for the Release of Imprisoned Labrador Land Protectors.pdf

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-----< HP TRIM Record Information >-----

Record Number : ICOR2017/3198  
Title : Email to Premier Ball from Senators calling for the Release of Imprisoned Labrador Land Protectors

**Email Message**

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**From:** Premier, [EX:/o=PSNL/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Premier\_e8e]  
**To:** Stewart, Rhonda [EX:/o=PSNL/ou=First Administrative Group/cn=Recipients/cn=rhondas]  
**Cc:** Samms, John [EX:/o=PSNL/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Samms, John0ae]  
**Sent:** 7/27/2017 at 4:19 PM  
**Received:** 1/1/4501  
**Subject:** HP TRIM Incoming Correspondence : ICOR2017/3198

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Hi Rhonda,

Attached, for the attention of your Minister and Deputy Minister, is an email to Premier Ball from Kim Pate and Senators calling for the release of imprisoned Labrador Land Protectors.

We are requesting a draft response for the Premier's signature. Please email the draft to premier@gov.nl.ca account.

Thank you,  
Joanne

-----< HP TRIM Record Information >-----

Record Number : ICOR2017/3198

Title : Email to Premier Ball from Kim Pate adn Senators calling for the Release of Imprisoned Labrador Land Protectors

**Email Message**

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**From:** Premier, [EX:/o=PSNL/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Premier.e8e]  
**To:** Delaney, Kim G. [SMTP:kimd@gov.nl.ca]  
**Cc:** Samms, John [SMTP:JohnSamms@gov.nl.ca]  
**Sent:** 7/27/2017 at 4:27 PM  
**Received:** 7/27/2017 at 4:27 PM  
**Subject:** FW: HP TRIM Incoming Correspondence : ICOR2017/3198

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Hi Kim,

Please change the request to a response on behalf of the Premier and not a draft for his signature.

Thank you,  
Joanne

-----Original Message-----

From: Premier,  
Sent: Thursday, July 27, 2017 4:19 PM  
To: 'Stewart, Rhonda '  
Cc: 'Samms, John '  
Subject: HP TRIM Incoming Correspondence : ICOR2017/3198

Hi Rhonda,

Attached, for the attention of your Minister and Deputy Minister, is an email to Premier Ball from Kim Pate and Senators calling for the release of imprisoned Labrador Land Protectors.

We are requesting a draft response for the Premier's signature. Please email the draft to premier@gov.nl.ca account.

Thank you,  
Joanne

-----< HP TRIM Record Information >-----

Record Number : ICOR2017/3198  
Title : Email to Premier Ball from Kim Pate adn Senators calling for the Release of Imprisoned Labrador Land Protectors

**Fleming, Jeanette**

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**From:** Pate, Kim <Kim.Pate@sen.parl.gc.ca>  
**Sent:** Thursday, July 27, 2017 2:11 PM  
**To:** Ball, Dwight  
**Subject:** Joint Open Letter from Senators Calling for the Release of Imprisoned Labrador Land Protectors // Lettre ouverte demandant la libération des membres emprisonnés du groupe Labrador Land Protectors



**Joint Open Letter from Senators to Premier Ball  
Calling for the Release of Imprisoned Labrador Land Protectors**

Thursday, July 27, 2017

Dear Premier,

We write to join the outpouring of support for Labrador Land Protectors James Learning, Eldred Davis and Marjorie Flowers, and to call for their immediate release from Her Majesty's Penitentiary in St. John's Newfoundland.

The refusal of these three Land Protectors to undertake to stay away from the Indigenous land on which the Muskrat Falls hydroelectric project is being developed was motivated by their ongoing concerns about the impact of the project on their traditional lands and on the way of life and well-being of Labrador Innu and Inuit Peoples. These concerns have been raised again and again by Indigenous Peoples who have found their voices ignored and their concerns left unaddressed by the Muskrat Falls consultations that were supposed to protect their constitutional rights under section 35 of the *Constitution Act, 1982*, rights echoed in article 32.1 of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, which the federal government has recently reaffirmed its commitment to adopting.

Once again, we are shocked and disappointed that the province's response to these concerns, and the flaws in the consultation process, has been to jail those who raise them. Like Beatrice Hunter a few weeks earlier, Ms Flowers has been incarcerated in a men's prison and all three Land Protectors have been moved 800 kilometres away from their homes, families, communities and support systems in order to be jailed. We are appalled that this has been allowed to happen again.

Our country is struggling with a colonial legacy that continues to disproportionately marginalize, criminalize and deprive Indigenous Peoples of political agency. This context makes decisions to imprison Indigenous men and women for using protest to assert their right to determine how their traditional lands are used particularly



abhorrent. Their incarceration flies in the face of the recommendations of the Truth and Reconciliation Commission process, which the province has committed to supporting, and the duty of our country as a whole to work toward a nation-to-nation relationship, grounded in respect, between Canada and Indigenous Peoples.

We call on the province to release these three Land Protectors and to create effective spaces for them to address their concerns, in particular their demands for an immediate forensic audit of all aspects of the Muskrat Falls project. We call on the province to do its part to uphold the Indigenous and constitutional rights of the Labrador Innu and Inuit Peoples by ensuring that protest, with a risk of criminalization, is not the only means available to Indigenous Peoples to make their voices heard in decisions regarding their lands.

**For more information:**

Senator Wanda Thomas Bernard, C.M.

[WandaThomas.Bernard@sen.parl.gc.ca](mailto:WandaThomas.Bernard@sen.parl.gc.ca)

Tel: 613-996-2010

Senator Lillian Dyck

[lillian.dyck@sen.parl.gc.ca](mailto:lillian.dyck@sen.parl.gc.ca)

Tel: 613-995-4318

Senator Sandra Lovelace Nicholas

[carole.smith@sen.parl.gc.ca](mailto:carole.smith@sen.parl.gc.ca)

Tel: 613-943-3635

Senator Kim Pate, C.M.

[Kim.Pate@sen.parl.gc.ca](mailto:Kim.Pate@sen.parl.gc.ca)

Tel: 613-995-9220

Senator Murray Sinclair, P.C.

[Senator.Sinclair@sen.parl.gc.ca](mailto:Senator.Sinclair@sen.parl.gc.ca)

Tel: 613-995-0234

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**Lettre ouverte au premier ministre Ball demandant la libération des membres emprisonnés  
du groupe Labrador Land Protectors**

Le jeudi 27 juillet 2017