November 23, 2015

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [IPS/043/2015]

Dear [Redacted],

This is to confirm that on October 23, 2015, the Department of Justice and Public Safety received your request for access to the following records/information:

"I am requesting for the year 2015 the totals monthly for cell phone usage tickets for in car use without Bluetooth that have been issued. The totals for each month in the St. John's area."

I am pleased to inform you that a decision has been made by the Deputy Minister for Justice and Public Safety to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please note that the information provided is created from the Ticket Management System of the Fines Administration Division and only reflects the tickets that have been processed to September 27, 2015. The monthly numbers consist of tickets issued under section 176.1 of the Highway Traffic Act:

176.1 (1) A person shall not drive a motor vehicle on a highway while holding, or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, email or text messages.

It is noted that these numbers may include tickets for devices other than cell phones, and include tickets issued within the jurisdiction of the Provincial Court in St. John's. This may include towns beyond the cities of St. John's and Mount Pearl.

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 Access to Information and Protection of Privacy Act (the Act). 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 address and contact information of 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.

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 Office of Public Engagement’s website within one business day following the applicable period of time.

If you have any further questions, please feel free to contact me by telephone at 709-729-7906, or ncroke@gov.nl.ca.

Sincerely,

[Signature]

Neil Croke  
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 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 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

(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).
Fines Administration Division
Tickets Processed for Holding/Using a Hand-Held Wireless Device
January 1 to September 27, 2015

<table>
<thead>
<tr>
<th>Month</th>
<th>Number of Tickets Issued*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-15</td>
<td>322</td>
</tr>
<tr>
<td>Feb-15</td>
<td>290</td>
</tr>
<tr>
<td>Mar-15</td>
<td>233</td>
</tr>
<tr>
<td>Apr-15</td>
<td>53</td>
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<tr>
<td>May-15</td>
<td>55</td>
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<tr>
<td>Jun-15</td>
<td>70</td>
</tr>
<tr>
<td>Jul-15</td>
<td>55</td>
</tr>
<tr>
<td>Aug-15</td>
<td>49</td>
</tr>
<tr>
<td>Sep-15</td>
<td>17</td>
</tr>
</tbody>
</table>

Total 1144

*Tickets issued are not restricted to cell phone usage

*Tickets issued within the boundaries of St. John's Provincial Court (includes St. John's, Mount Pearl and other surrounding communities).