

April 17, 2019

Dear Applicant:

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: EECD/032/2019)**

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On March 25, 2019, the Department of Education and Early Childhood Development received your request for access to the following records/information:

***"A copy of the proposal submitted to the provincial government by the Conseil scolaire francophone provincial for the construction of a new school in Galway."***

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Education and Early Childhood Development to provide access to some of the requested information in the proposal and the appropriate copy has been enclosed.

Access to some of the information contained within the proposal has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):

**Section 35: Disclosure harmful to the financial or economic interests of a public body**

35. (1) *The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose*

*(g) information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body;*

**Section 39: Disclosure harmful to business interests of a third party**

39. (1) *The head of a public body shall refuse to disclose to an applicant information*

*(a) that would reveal*

*(ii) commercial, financial, labour relations, scientific or technical information of a third party;*

*(b) that is supplied, implicitly or explicitly, in confidence; and*

*(c) the disclosure of which could reasonably be expected to*

*(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,*

**Section 40: Disclosure harmful to personal privacy**

40. (1) *The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.*

Please be advised that pages 45 to 52 have been removed as their disclosure is harmful to the business interests of a third party in accordance with Section 39(1) of the Act.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the record, the appropriate copy has been enclosed.

You may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

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, Strn. 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 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 further questions, please feel free to contact the undersigned by telephone at 709-729-7180 or by e-mail at [garynoftall@gov.nl.ca](mailto:garynoftall@gov.nl.ca).

Sincerely,



Gary Noftall  
ATIPP Coordinator

Attachment

Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or [atippoffice@gov.nl.ca](mailto:atippoffice@gov.nl.ca).