

Response to Applicant - Full Disclosure  
Form 4A

February 28, 2019



Dear :

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* File #: CSSD/12/2019**

On February 18, 2019, the Department of Children, Seniors and Social Development received your request for access to the following records/information:

*"The number of deaths and critical incidents reported to the Child Youth Advocate by year since April 2009."*

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Children, Seniors and Social Development to provide access to the requested information. In accordance with your request, the information has been provided in the attached enclosure.

The *Access to Information and Protection of Privacy 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 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:

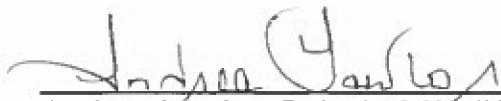
Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL A1B 3V8

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.

If you have any further questions, please feel free to contact me by telephone at (709) 729-5084 or by e-mail at [andrealawlor@gov.nl.ca](mailto:andrealawlor@gov.nl.ca).

Sincerely,



**Andrea Lawlor, B.A., B.S.W. (Hons), R.S.W.**  
Policy, Planning and Information Management Division  
Department of Children, Seniors and Social Development  
6<sup>th</sup> Floor, West Block, Confederation Building  
P.O. Box 8700, St. John's, NL A1B 4J6

Enclosure (1)

### **Access to Information and Protection of Privacy Act**

#### **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.  
2015 cA-1.2 s42

#### **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).

2015 cA-1.2 s52

**TABLE 1:  
Total Number of Child and Youth Deaths Reported to the Child and Youth Advocate**

<b>YEAR</b>	<b>NUMBER OF CHILD &amp; YOUTH DEATHS</b>
2009	5*
2010	9
2011	9
2012	9
2013	9
2014	4
2015	9
2016	8
2017	4
2018	10
<b>TOTAL</b>	<b>76</b>

\* 2009-May-03 to 2009-Dec-31

**TABLE 2:  
Total Number of Critical Injuries Reported to the Child and Youth Advocate**

<b>YEAR</b>	<b>NUMBER OF CRITICAL INJURIES</b>
2018	32*
2019	1
<b>TOTAL</b>	<b>33</b>

\*2018-Mar-07 to 2018-Dec-31