

**Response to Applicant – Partial Access Granted
Form 4B**

April 1, 2019

S.40(1)



S.40(1)

Dear [REDACTED]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act File #: CSSD/25/2019

On March 8, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

“A list of briefing materials prepared for the deputy minister or the minister for the month of February 2019.”

Please be advised that a decision has been made by the Deputy Minister for Children, Seniors and Social Development to provide access to some of the requested information.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed using the following sections of ATIPPA, 2015:

- Section 29 – Policy Advice or Recommendations
- Section 35 – Disclosure Harmful to the Financial or Economic Interests of a Public Body

TYPE	TITLE	
[REDACTED]	[REDACTED]	S.29(1)(a)
[REDACTED]	[REDACTED]	S.29(1)(a) S.35(1)(c)
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	S.29(1)(a) S.35(1)(c)
Decision Note	Super Clinic for Federal and Provincial Services at the Exploits Community Centre	
[REDACTED]	[REDACTED]	S.29(1)(a)
[REDACTED]	[REDACTED]	S.29(1)(a) S.35(1)(c)
Decision Note	2019 Special Olympics Provincial Winter Games	
Information Note	Community Healthy Living Fund (CHLF) January 2018-2019 Recommendations	

Decision Note	2019 International Basketball Federation (FIBA) World Cup Qualifier
	[REDACTED]
Decision Note	Sport Consultant Travel to Canada Games
Meeting Note	FPT Sport, Physical Activity and Recreation (SPAR) Ministers' Conference Lunch - February 15, 2019
Decision Note	Community Food Sharing Association Warehouse Fire
Decision Note	Ottawa Model for Smoking Cessation Eastern Health Proposal

S.35(1)(c)

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 records, the appropriate copies have been enclosed.

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:

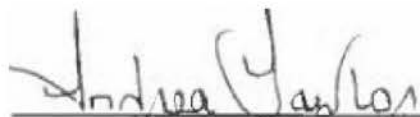
Office of the Information and Privacy Commissioner
 2 Canada Drive
 P. O. Box 13004, Stn. A
 St. John's, NL A1B 3V8

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.

Sincerely,



Andrea Lawlor, B.A., B.S.W. (Hons), R.S.W.
 ATIPP Backup Coordinator

Access to Information and Protection of Privacy Act

Policy Advice or Recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
- (a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;
 - (b) the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete and in respect of which a request or order for completion has been made by the head within 65 business days of delivery of the report; or
 - (c) draft legislation or regulations.
- (2) The head of a public body shall not refuse to disclose under subsection (1)
- (a) factual material;
 - (b) a public opinion poll;
 - (c) a statistical survey;
 - (d) an appraisal;
 - (e) an environmental impact statement or similar information;
 - (f) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies;
 - (g) a consumer test report or a report of a test carried out on a product to test equipment of the public body;
 - (h) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;
 - (i) a report on the results of field research undertaken before a policy proposal is formulated;
 - (j) a report of an external task force, committee, council or similar body that has been established to consider a matter and make a report or recommendations to a public body;
 - (k) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body;
 - (l) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or
 - (m) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.
- (3) Subsection (1) does not apply to information in a record that has been in existence for 15 years or more.

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

- (a) trade secrets of a public body or the government of the province;
- (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value;
- (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
- (d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;
- (e) scientific or technical information obtained through research by an employee of a public body, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;
- (f) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the government of the province or a public body, or considerations which relate to those negotiations;
- (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; or
- (h) information, the disclosure of which could reasonably be expected to be injurious to the ability of the government of the province to manage the economy of the province.

(2) The head of a public body shall not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done

- (a) for a fee as a service to a person or a group of persons other than the public body; or
- (b) for the purpose of developing methods of testing.

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