



2013-14 Annual Report

on the administration of the *Access to Information and Protection of Privacy Act*

Office of Public Engagement



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2013-14 Annual Report

on the administration of the Access to Information and Protection of Privacy Act

Message from the Minister

The 2013-14 Annual Report on Newfoundland and Labrador's *Access to Information and Protection of Privacy Act* (the "Act") is provided in accordance with section 70 of the legislation.

In 2013-14, public bodies across Newfoundland and Labrador received 553 requests for general and personal information – a 19 per cent decrease from the 660 requests received in 2012-13.

The sustained efforts of the public bodies that process access to information requests, together with the support of the Access to Information and Protection of Privacy (ATIPP) Office, have led to the results that are contained in this report. During the 2013-14 fiscal year, the Office of Public Engagement continued to promote the Government of Newfoundland and Labrador's commitment to openness and accountability.

On March 20, 2014, the Government of Newfoundland and Labrador launched its Open Government Initiative which is based on four pillars: Open Information, Open Data, Dialogue and Collaboration. Information and data that has been proactively disclosed by government departments can be found at: open.gov.nl.ca.

These initiatives are ongoing and the provincial government is committed to implementing new ways for people to access government information and to protect the personal and confidential information in its possession.

"Our government has always strived to be open to meet the expectations of the people of the province. We believe that disclosing information should be the default and withholding information should be the exception."

Minister Collins

Further achievements of the 2013-14 fiscal year include:

1. The ATIPP Office has updated and created additional access and privacy resources for public bodies. These materials can be found at: www.atipp.gov.nl.ca.
2. In partnership with the Centre for Learning and Development, the Office launched its new Access and Privacy Training module for public body employees, which is available through PS Access.
3. The Office continued to provide access and privacy advice and training to public bodies.

I would like to highlight that during this reporting period, the Provincial Government announced the early review of the *Access to Information and Protection of Privacy Act*. A legislated review was required to take place in 2015. However, in light of public concerns about the amendments to the legislation in 2012, this government wanted to get the process underway immediately.

Finally, I would like to extend thanks to all access and privacy coordinators and other public officials throughout Newfoundland and Labrador for their continued support, dedication and hard work on matters related to the administration of the Act.



Honourable Sandy Collins

Minister Responsible for the Office of Public Engagement

Overview

The *Access to Information and Protection of Privacy Act* (the "Act") was proclaimed in January 2005 and applies to more than 460 public bodies across the province, including government departments, agencies, boards, commissions, crown corporations, health authorities, educational bodies and municipalities. The purpose of the Act is to make public bodies more accountable to the public by providing access to information and protecting personal privacy.

Individuals can access two types of information under the Act: their own personal information, or general information such as reports, expenses and statistics. The Act also provides a mechanism for resolving disputes with respect to the processing of access to information requests. If an applicant is not satisfied with the handling of a request by a public body, a complaint or request for review can be made to the Office of the Information and Privacy Commissioner (OIPC) or Trial Division of the Supreme Court of Newfoundland and Labrador. The OIPC can review records, with the exception of official cabinet records and solicitor and client privilege records.

The ATIPP Office is responsible for the overall administration and coordination of the legislation. The Office monitors the administration of the Act by collecting and maintaining statistics on access to information requests supplied by departments and public bodies as defined by the Act. In compliance with section 70 of the Act, this report includes: the number of requests and whether they were granted or denied; the specific provisions of the Act used to refuse access; the number of applications to correct personal information; and the fees charged. In addition, this report includes the response times by government departments and public bodies.

The ATIPP Office also provides support and leadership in the interpretation and application of the Act by assisting public bodies with education and training, developing policies and procedures to foster common standards, and providing advice and guidance on the processes necessary to ensure the Act is implemented and applied appropriately. Each public body is required to designate an access and privacy coordinator responsible for receiving and processing requests as well as coordinating responses for the relevant public body.

The ATIPP Office provides information on the Act and its administration, as well as access to information request forms at:

<http://www.atipp.gov.nl.ca/forms/index.html#access-request>.





Highlights of 2013-14

In April 2013 the Government of Newfoundland and Labrador became one of two provinces in Canada to post government department responses to general requests online in an effort to enhance public awareness and understanding of the types of information government holds. Requests from January 2013 to present can be found on the ATIPP Office website at:

<http://www.atipp.gov.nl.ca/info/completed/index.html>.

In January 2014 the Honourable Tom Marshall, Premier of Newfoundland and Labrador, announced the independent review of the *Access to Information and Protection of Privacy Act*. The review is being conducted by a three-person committee which includes former Premier Clyde Wells (Chair), journalist Doug Letto, and former Privacy Commissioner of Canada Jennifer Stoddart.

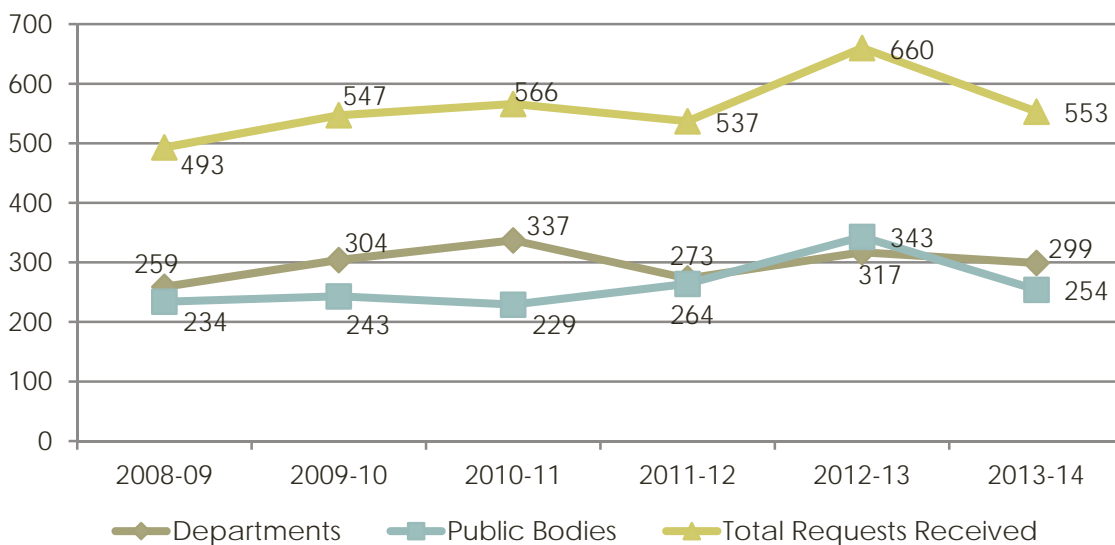
The Government of Newfoundland and Labrador values the critical role of residents, stakeholders and employees in shaping government policies, programs and services. In March 2014, in an effort to tap into this wealth of knowledge, expertise and creativity, the Government launched its Open Government Initiative which enhances its commitment to openness and transparency. The Open Government website can be found at: open.gov.nl.ca.

Report on Performance

Overall Increase in Requests

In the 2013-14 fiscal year, a total of 553 access requests were made to government departments and public bodies (see Annex A, Table 1). Overall, there has been a 12 per cent increase in the number of access requests received by government departments and public bodies over a six-year period (2008-00 to 2013-14); however, this is a 19 per cent decrease from the previous fiscal year when 660 requests were received.

Figure 1 – Number of Access Requests by Fiscal year



Of the 553 requests received in 2013-14, the Government of Newfoundland and Labrador received 299 (54 per cent) requests, while other public bodies received 254 (46 per cent) requests. Of the requests made to government departments, 20 (seven per cent) were for personal information – people asking for their own information. The remaining 279 (93 per cent) were general requests for records relating to government activities and programs.

Improving Response Times to Access Requests

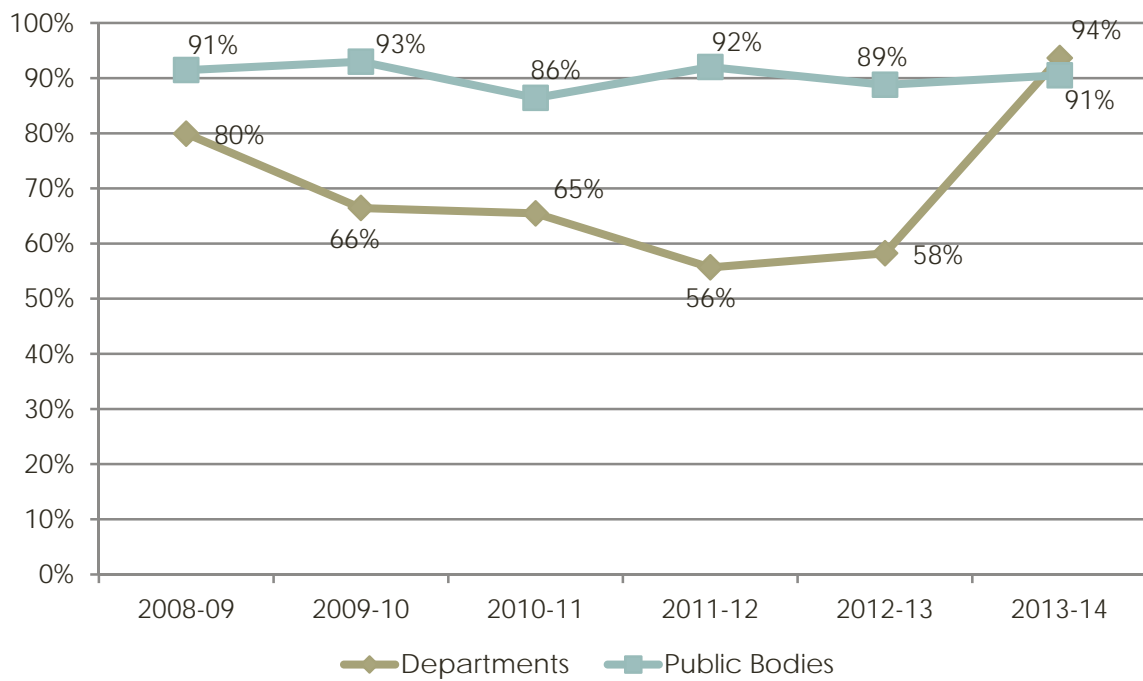
During the 2013-14 fiscal year:

- departments responded to 94 per cent of general requests and 100 per cent of personal information requests within the legislated timelines; and

- public bodies responded to 90 per cent of general requests and 91 per cent of personal information requests within the legislated timelines.

As a result of an increased emphasis on meeting timelines when responding to requests during the year, there has been an improvement by departments in meeting timelines are compared to previous years (see Figure 2).

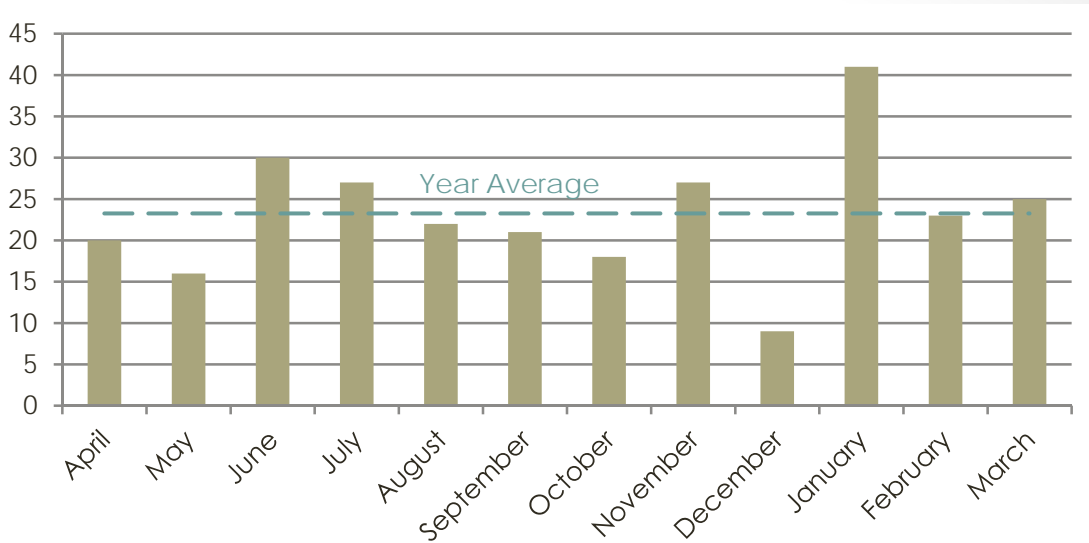
Figure 2 – On-Time Response Timelines (2008-09 to 2013-14)



General Requests Received Monthly for 2013-14

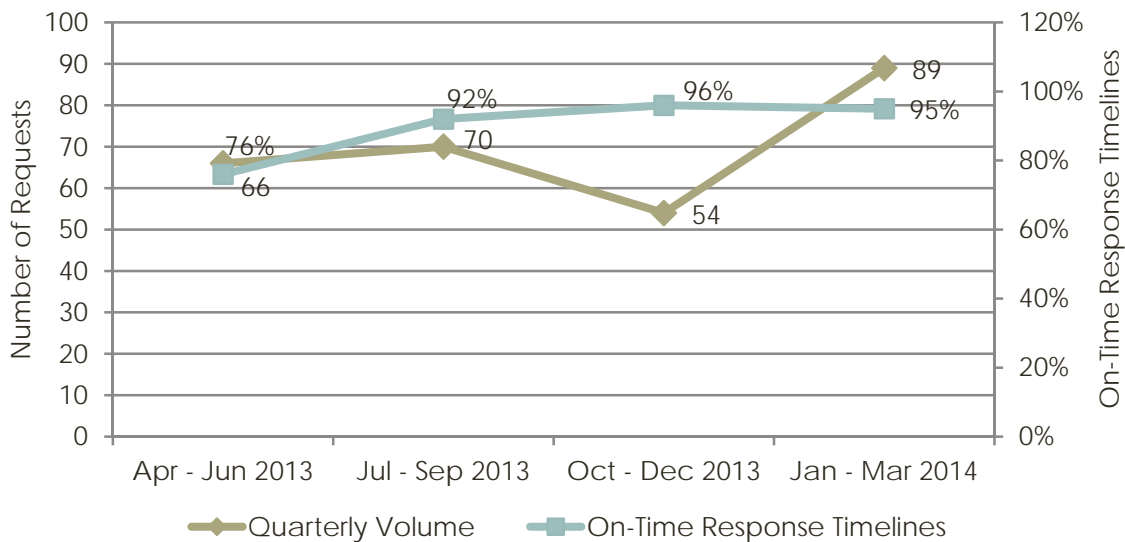
Throughout 2013-14, the number of general requests received by government departments each month was stable, with an average number of 23 requests received per month. December shows a small decrease in the number of requests received, while departments experienced an increase in January.

Figure 3 – General Requests Received Monthly for 2013-14



**Statistics provided in Figure 3 are requests received by government departments.*

Figure 4 – General Requests Quarterly Volume and Response Time for 2013-14



**Statistics provided in Figure 4 are requests received by government departments.*

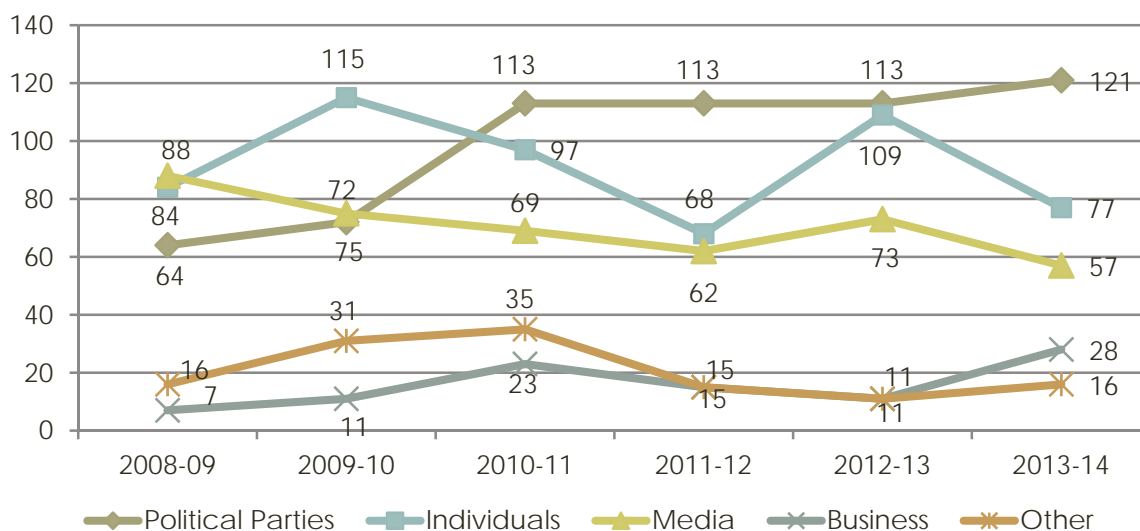
Requests by Applicant Type

Many different types of people make access to information requests each year. These applicants are divided into eight different categories: individuals, political parties, media, businesses, legal firms, interest groups, researchers and other public bodies.

While government departments receive requests from various types of applicants, they consistently receive the most requests from political parties, individuals and media. The number of requests made by individuals and media has decreased this fiscal year, while the number of requests made by political parties has increased.

There has also been an increase in the number of requests from political parties since 2008-09, with an overall increase of 89 per cent, as shown in Figure 5. The number of requests from media outlets decreased in this same period by 47 per cent.

Figure 5 – Requests by Applicant Type



**Statistics provided in Figure 5 are requests received by government departments.*

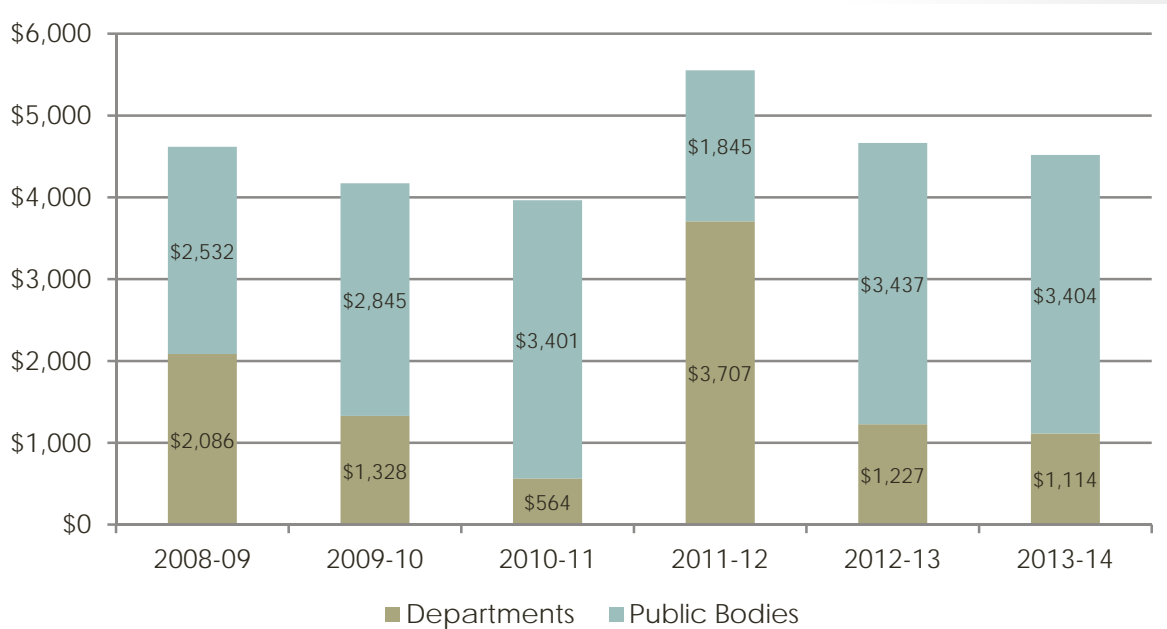
Processing Fees Paid for Access Requests

Despite an overall increase in the number of requests over the last six years, there has been a reduction in the number of fee estimates issued to applicants, and processing fees paid.

Of the 279 general requests received by departments in 2013-14, two per cent resulted in fees being paid and for public bodies, of the 171 general requests received, six per cent resulted in fees being paid.

Figure 6 shows the change in processing fees paid by applicants from 2008-09 to 2013-14.

Figure 6 – Processing Fees Paid

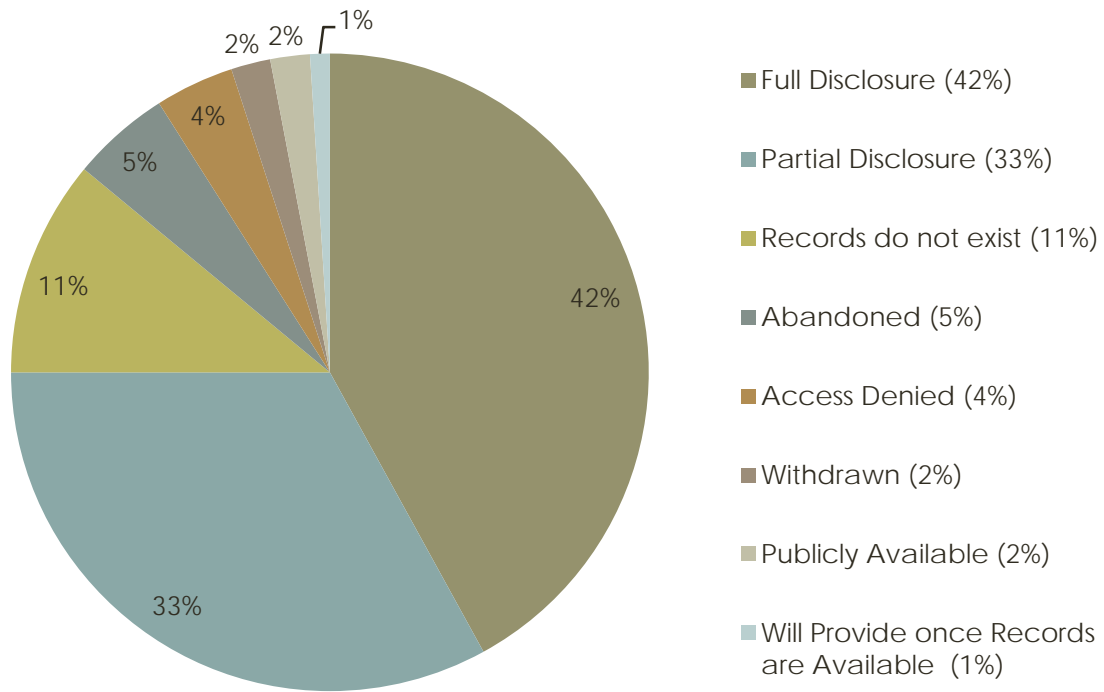


Outcomes of Requests

Over the past six years, the percentage of general departmental requests resulting in full disclosure has increased from 28 per cent in 2008-09 to 42 per cent in 2013-14, an increase of 50 per cent. In addition, the number of requests resulting in access denied has decreased from 10 per cent in 2008-09 to four per cent in 2013-14, a decrease of 150 per cent.

Figure 7 shows the final outcome for general departmental requests in 2013-14. The majority resulted in full disclosure (42 per cent) or partial disclosure (33 per cent), with four per cent denied.

Figure 7 – Final Outcome of Requests Responded to by Departments



ATIPP Office Support

In an effort to assist government departments and public bodies understand their roles and responsibilities relating to access to information and the protection of privacy, the ATIPP Office provides advice and guidance to these entities as well as public inquiries.

The ATIPP Office received over 1,000 calls during 2013-14, with 73 per cent from departments and the remaining from agencies, board, commissions, municipalities and the general public.

Privacy Impact Assessments

In an effort to ensure the protection of personal information by government departments, the ATIPP Office requires that new or redesigned programs involving personal information undergo preliminary privacy impact assessments or privacy impact assessments to identify risks and ensure compliance with the privacy provisions of the Act.

In 2013-14, the ATIPP Office reviewed 34 preliminary privacy impact assessments, one full privacy impact assessment and reviewed 11 websites to assess whether personal information was being collected.



Annex A - Detailed Statistical Report

During 2013-14, departments and public bodies received a total of 553 general and personal access requests. Public bodies include government agencies, boards, commissions, municipalities, crown corporations, health care and educational bodies.

Table 1 – Total Number of Requests Received (April 1, 2013 to March 31, 2014)

Request Type	Total	%
General Requests to a Government Department	279	50%
General Requests to a Public Body	171	31%
Personal Information Requests to a Government Department	20	4%
Personal Information Requests to a Public Body	83	15%
TOTAL	553	100%

Information relating to general requests is outlined in section A and information relating to personal information requests is outlined in section B.

Section A - General Requests

Requests for general information cover a wide range of subjects and records, from policy documents to travel claims or archived records. This section reports the volume and applicant type for general requests made to departments and public bodies. The data is detailed further to report fees recorded, outcomes of requests, exceptions to disclosure applied and response timelines.

Volume and Applicant Type

During the 2013-14 fiscal year, a total of 450 general requests were received by government departments and public bodies. Of these, departments received 279 (62 per cent) and public bodies 171 (38 per cent).

Table 2a – General Requests by Department and Applicant Type (April 1, 2013 to March 31, 2014)

DEPARTMENT	Political Party	Individual	Media	Business	Legal Firm	Researcher	Interest Group	Public Body	TOTAL
Advanced Education and Skills	16	4	4	3	0	0	0	0	27
Child, Youth and Family Services	3	0	0	0	0	0	0	0	3
Education	6	5	3	0	0	0	0	0	14
Environment and Conservation	3	15	5	3	2	0	0	0	28
Executive Council (Cabinet Secretariat)	5	0	0	0	1	0	0	0	6
Human Resources Secretariat	2	2	0	1	0	0	0	0	5
Office of the Chief Information Officer	0	1	1	0	0	0	0	0	2
Office of Public Engagement	2	0	2	0	0	0	0	0	4
Premier's Office	5	3	3	0	0	0	0	0	11
Labrador and Aboriginal Affairs Office	1	0	2	0	0	0	0	0	3
Women's Policy Office	1	0	0	0	0	1	0	0	2
Finance	8	1	4	2	0	0	0	0	15
Fisheries and Aquaculture	23	1	2	1	0	0	0	0	27
Health and Community Services	11	5	4	1	1	0	0	1	23
Innovation, Business and Rural Development	2	0	1	3	0	0	0	0	6
Justice	8	2	3	1	0	4	0	0	18
Municipal and Intergovernmental Affairs	3	3	2	0	0	0	0	0	8
Natural Resources	3	1	10	1	0	0	0	0	15
Service NL	1	4	5	1	1	0	0	0	12
Tourism, Culture and Recreation	0	5	0	5	0	0	0	0	10
Transportation and Works	16	8	6	6	0	0	4	0	40
Total by Applicant Type	119	60	57	28	5	5	4	1	279
Percentage %	43%	22%	20%	10%	2%	2%	1%	0%	100%

Table 2b – General Requests by Public Body and Applicant Type (April 1, 2013 to March 31, 2014)

DEPARTMENT	Individual	Political Party	Business	Media	Public Body	Legal Firm	Interest Group	Researcher	TOTAL
Central Health	0	2	3	1	0	0	0	0	6
City of Corner Brook	0	0	1	0	0	0	0	0	1
City of St. John's	21	0	10	4	0	0	0	0	35
College of the North Atlantic	4	6	0	0	0	0	0	0	10
Eastern Health	2	5	5	8	0	1	0	0	21
Eastern Regional Service Board	1	0	0	0	0	0	0	0	1
Fire and Emergency Services	5	0	6	0	0	0	0	0	11
Government Purchasing Agency	0	0	0	1	0	0	0	0	1
Labour Relations Board	1	0	0	0	0	0	0	0	1
Labrador-Grenfell Health	0	11	0	1	0	0	0	0	12
Memorial University	3	0	0	1	0	1	1	0	6
Nalcor	0	2	1	4	0	0	0	0	7
NL English School District	4	2	0	1	0	0	2	0	9
NL Housing Corporation	0	0	0	1	0	0	0	0	1
NL Legal Aid Commission	0	0	0	0	1	0	0	0	1
NL Liquor Corporation	0	1	0	0	0	0	0	0	1
Royal Newfoundland Constabulary	9	0	0	0	3	1	0	0	13
The Rooms	1	0	0	0	0	0	0	0	1
Town of Bay Bulls	1	0	0	0	0	0	0	0	1
Town of Conception Bay South	5	0	0	0	0	1	0	0	6
Town of Cormack	1	0	0	0	0	0	0	0	1
Town of Daniel's Harbour	1	0	0	0	0	0	0	0	1
Town of Gander	1	0	0	0	0	0	0	0	1
Town of Grand Bank	2	0	0	2	0	0	0	0	4
Town of Holyrood	1	0	0	0	0	0	0	0	1
Town of Labrador City	1	0	0	0	1	0	1	0	3
Town of North River	1	0	0	0	0	0	0	0	1
Town of Portugal Cove-St. Philip's	6	0	0	0	0	0	0	0	6
Town of Upper Island Cove	1	0	0	0	0	0	0	0	1
Western Health	0	4	1	1	0	0	0	0	6
Workplace, Health, Safety and Compensation Commission	1	0	0	0	0	0	0	0	1
Total by Applicant Type	73	33	27	25	5	4	4	0	171
Percentage %	43%	19%	16%	15%	3%	2%	2%	0%	100%

Frequency Applicant Type

Table 3 – General Requests by Frequency of Applicant Type (April 1, 2013 to March 31, 2014)

Applicant Type	Department	Public Body	Total	Percentage
Political Party	119	33	152	34%
Individual	60	73	133	30%
Media	57	25	82	18%
Business	28	27	55	12%
Legal Firm	5	4	9	2%
Interest Group	4	4	8	2%
Other Public Body	1	5	6	1%
Researcher	5	0	5	1%
Total	279	171	450	100%

Fees

Section 68 of the Act gives the Minister responsible for the Act the right to establish a Fee Schedule. The current fee schedule came into effect December 10, 2012 and outlines the applicable fees for access to information requests (see Annex B). Specifically, fees for general requests include a \$5.00 application fee; \$25.00 per hour for locating, retrieving, severing and producing records; \$0.25 per page for photocopying; and associated shipping costs. Fees are not charged for the first four hours of work to respond to an access request. The head of a public body may waive the requirement to pay any fees if payment would impose an unreasonable financial hardship on the applicant.

a) Application Fees

During 2013-14, application fees received by government departments and public bodies for general requests totaled \$2,190.

b) Processing Fees

The following table represents a breakdown of the \$4,518 in processing fees paid by applicants for access requests.

Table 4 – Processing Fees Paid for General Requests (April 1, 2013 to March 31, 2014)

DEPARTMENT	TOTAL (\$)	PUBLIC BODY	TOTAL (\$)
Environment and Conservation	\$221	Central Health	\$88
Fisheries and Aquaculture	\$228	College of the North Atlantic	\$150
Health and Community Services	\$150	Eastern Health	\$151
Natural Resources	\$475	Memorial University	\$2,869
Tourism, Culture and Recreation	\$40	Town of Conception Bay South	\$107
		Town of Labrador City	\$25
		Town of Portugal Cove – St. Philip's	\$14
Total	\$1114	Total	\$3,404



Final Outcomes

Responding to general requests can result in a range of possible outcomes. The outcome may be full or partial disclosure of information; the applicant may withdraw or abandon the request; the record may not exist or may already be available in the public domain; or access to the records may be denied. Partial disclosure means exceptions have been applied and some information has been severed in accordance with the legislation.

Table 5a – Final Outcome of General Requests by Department (April 1, 2013 to March 31, 2014)

OUTCOME BY DEPARTMENT	Full Disclosure	Partial Disclosure	Do not Exist	Abandoned	Access Denied	Withdrawn	Publicly Available	Will send when available	TOTAL
Advanced Education and Skills	20	6	1	0	0	0	0	0	27
Child, Youth and Family Services	2	0	0	0	0	1	0	0	3
Education	9	1	1	0	1	0	1	1	14
Environment and Conservation	5	15	6	1	0	0	1	0	28
Executive Council (Cabinet Secretariat)	3	2	1	0	0	0	0	0	6
Human Resources Secretariat	4	1	0	0	0	0	0	0	5
Office of the Chief Information Officer	2	0	0	0	0	0	0	0	2
Office of Public Engagement	3	1	0	0	0	0	0	0	4
Premier's Office	1	7	0	2	1	0	0	0	11
Labrador and Aboriginal Affairs Office	1	1	1	0	0	0	0	0	3
Women's Policy Office	1	0	0	0	1	0	0	0	2
Finance	6	6	0	2	0	1	0	0	15
Fisheries and Aquaculture	17	5	5	0	0	0	0	0	27
Health and Community Services	9	4	5	1	1	3	0	0	23
Innovation, Business and Rural Development	0	5	0	0	0	0	1	0	6
Justice	8	2	2	2	4	0	0	0	18
Municipal and Intergovernmental Affairs	2	4	0	0	2	0	0	0	8
Natural Resources	3	4	6	0	0	1	1	0	15
Service NL	4	6	1	1	0	0	0	0	12
Tourism, Culture and Recreation	1	3	0	5	0	0	1	0	10
Transportation and Works	20	15	2	1	1	0	0	1	40
Total	121	88	31	15	11	6	5	2	279
Percentage %	43%	32%	11%	5%	4%	2%	2%	1%	100%

Of the 279 general requests responded to by departments, 209 (75 per cent) resulted in full or partial disclosure, 31 (11 per cent) were for records that did not exist and access was denied in 11 (four per cent) requests.

Table 5b - Final Outcome of General Requests by Public Bodies (April 1, 2013 to March 31, 2014)

OUTCOME BY PUBLIC BODY	Full Disclosure	Partial Disclosure	Do not Exist	Access Denied	Abandoned	Withdrawn	Publicly Available	TOTAL
Central Health	4	1	0	0	1	0	0	6
City of Corner Brook	1	0	0	0	0	0	0	1
City of St. John's	12	16	3	1	2	1	0	35
College of the North Atlantic	5	1	1	2	0	0	1	10
Eastern Health	12	1	2	0	2	4	0	21
Eastern Regional Service Board	1	0	0	0	0	0	0	1
Fire and Emergency Services	0	8	3	0	0	0	0	11
Government Purchasing Agency	1	0	0	0	0	0	0	1
Labour Relations Board	0	0	1	0	0	0	0	1
Labrador-Grenfell Health	7	2	3	0	0	0	0	12
Memorial University	0	2	0	0	2	2	0	6
Nalcor	2	0	1	2	1	0	1	7
NL English School District	2	2	0	1	1	2	0	8
NL Housing Corporation	0	0	0	0	1	0	0	1
NL Legal Aid Commission	1	0	0	0	0	0	0	1
NL Liquor Corporation	1	0	0	0	0	0	0	1
Royal Newfoundland Constabulary	2	7	0	4	0	0	0	13
The Rooms Corporation	0	1	0	0	0	0	0	1
Town of Bay Bulls	0	1	0	0	0	0	0	1
Town of Conception Bay South	2	4	0	0	0	0	0	6
Town of Cormack	0	1	0	0	0	0	0	1
Town of Daniel's Harbour	1	0	0	0	0	0	0	1
Town of Gander	0	1	0	0	0	0	0	1
Town of Grand Bank	4	0	0	0	0	0	0	4
Town of Holyrood	1	0	0	0	0	0	0	1
Town of Labrador City	2	0	0	0	0	0	1	3
Town of North River	1	0	0	0	0	0	0	1
Town of Portugal Cove-St. Philip's	0	5	1	0	0	0	0	6
Town of Upper Island Cove	0	1	0	0	0	0	0	1
Western Health	5	1	0	0	0	0	0	6

OUTCOME BY PUBLIC BODY	Full Disclosure	Partial Disclosure	Do not Exist	Access Denied	Abandoned	Withdrawn	Publicly Available	TOTAL
Workplace, Health, Safety and Compensation Commission	0	1	1	0	0	0	0	2
Total	67	56	16	10	10	9	3	171
Percentage %	39%	33%	9%	6%	6%	5%	2%	100%

Of the 171 general requests responded to by public bodies, 123 (72 per cent) resulted in full or partial disclosure, while 16 (nine per cent) were for records that did not exist. Access was denied in 10 (six per cent) requests.

Exceptions to Disclosure

One of the main purposes of the Act is to provide access to information subject only to specific and limited circumstances. Under the Act, certain types of information are exempt from disclosure to applicants. There are two categories of exceptions: mandatory exceptions, which departments and public bodies must apply; and discretionary exceptions, which departments and public bodies may exercise discretion to apply.

Since a single request may list more than one exception, the numbers noted in the tables below do not correlate to the total number of access requests received during the 2013-14 fiscal year. For example, one record or piece of information could be severed citing cabinet confidences (s.18), policy advice or recommendations (s.20) and information harmful to the financial or economic interests of a public body (s.24).

Table 6 – Exceptions to Disclosure for General Requests by Departments and Public Bodies (April 1, 2013 to March 31, 2014)

SECTION OF THE ATIPP ACT	TOTAL	PERCENTAGE %
MANDATORY		
s.18 – Cabinet Confidences	14	6%
s.22.2 – Information from a Workplace Investigation	3	1%
s.27 – Disclosure Harmful to Business Interests of a Third Party	22	10%
s.30 – Disclosure Harmful to Personal Privacy	116	51%
DISCRETIONARY		
s.19 – Local Public Body Confidences	1	0%
s.20 – Policy Advice or Recommendations	28	12%
s.21 – Legal Advice	4	2%

s.22 – Disclosure Harmful to Law Enforcement	9	4%
s.22.1 – Confidential Evaluations	1	0%
s.23 – Disclosure Harmful to Intergovernmental Relations or Negotiations	13	6%
s.24 – Disclosure Harmful to Financial or Economic Interests of a Public Body	13	6%
s.25 – Disclosure Harmful to Conservation	3	1%
s.26 – Disclosure Harmful to Individual or Public Safety	2	1%
s.26.1 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	0	0%
Total (mandatory and discretionary)	229	100%

The exceptions to disclosure listed above were used in 229 instances. Section 30 (mandatory exception for personal information) was the most widely applied exception, used in 116 (51 per cent) instances of all applied exceptions.

Response Times

The Act requires that public bodies respond to a request within 30 days of receipt with section 16(1) providing public bodies with the ability to extend the response time for an additional 30 days where:

- there are insufficient details to allow the public body to identify records;
- a large number of records need to be searched and responding within 30 days would interfere unreasonably with operations;
- notice is given to a third party under section 28 and additional time is needed; or
- more time is needed to consult with a third party or other public body.

With the approval of the Information and Privacy Commissioner under section 16(2), public bodies may apply an additional extension where:

- one or more of the circumstances listed above apply for a period longer than the 30 days permitted under section 16(1);
- where multiple concurrent requests have been made by the same applicant, or by two or more applicants who work for the same organization or who work in association with each other; or
- where the Commissioner otherwise considers that it is fair and reasonable to do so and as the Commissioner considers appropriate.

Table 7a provides a breakdown by department indicating when each met their legislated timelines (including with an extension), and when they did not meet their legislated timelines.

Table 7a – Response Timelines for General Requests by Department (April 1, 2013 to March 31, 2014)

DEPARTMENT	Met Timeline	Met Timeline with Extension	Timeline not Met	Total
Advanced Education and Skills	19	3	5	27
Child, Youth and Family Services	3	0	0	3
Education	14	0	0	14
Environment and Conservation	19	8	1	28
Executive Council (Cabinet Secretariat)	4	2	0	6
Human Resources Secretariat	2	3	0	5
Office of the Chief Information Officer	2	0	0	2
Office of Public Engagement	4	0	0	4
Premier's Office	5	5	1	11
Labrador and Aboriginal Affairs Office	3	0	0	3
Women's Policy Office	2	0	0	2
Finance	11	4	0	15
Fisheries and Aquaculture	18	7	2	27
Health and Community Services	8	13	2	23
Innovation, Business and Rural Development	1	5	0	6
Justice	13	4	1	18
Municipal and Intergovernmental Affairs	6	1	1	8
Natural Resources	10	5	0	15
Service NL	9	3	0	12
Tourism, Culture and Recreation	7	3	0	10
Transportation and Works	29	6	5	40
Total	189	72	18	279
Percentage %	68%	26%	6%	100%

Table 7b provides a breakdown by public body indicating when they met their legislated timelines (including with an extension).

Table 7b – Response Timelines for General Requests by Public Body (April 1, 2013 to March 31, 2014)

PUBLIC BODY	Met Timelines	Met Timelines with Extension	Timelines not Met	TOTAL
Central Health	4	2	0	6
City of Corner Brook	0	0	1	1
City of St. John's	30	0	5	35
College of the North Atlantic	8	2	0	10
Eastern Health	16	4	1	21
Eastern Regional Service Board	1	0	0	1
Fire and Emergency Services	10	1	0	11
Government Purchasing Agency	0	0	1	1
Labour Relations Board	1	0	0	1
Labrador-Grenfell Health	3	8	1	12
Memorial University	4	0	2	6
Nalcor	6	1	0	7
NL English School District	8	0	1	9
NL Housing Corporation	1	0	0	1
NL Legal Aid Commission	1	0	0	1
NL Liquor Corporation	1	0	0	1
Royal Newfoundland Constabulary	8	3	2	13
The Rooms Corporation	1	0	0	1
Town of Bay Bulls	1	0	0	1
Town of Conception Bay South	5	1	0	6
Town of Cormack	0	1	0	1
Town of Daniel's Harbour	1	0	0	1
Town of Gander	1	0	0	1
Town of Grand Bank	2	0	2	4
Town of Holyrood	1	0	0	1
Town of Labrador City	3	0	0	3
Town of North River	1	0	0	1
Town of Portugal Cove-St. Philip's	5	0	1	6
Town of Upper Island Cove	1	0	0	1
Western Health	5	1	0	6
Workplace, Health, Safety and Compensation Commission	1	0	0	1
Total	130	24	17	171
Percentage %	76%	14%	10%	100%

Section B - Personal Information Requests

Personal information can be requested by the individual the information is about or by another individual who have been delegated authority on behalf of that person.

This section of the report provides the volume and applicant type for personal information requests, outcomes, exceptions to disclosure and response times.

Volume and Applicant Type

Table 8a – Personal Information Requests by Department and Applicant Type (April 1, 2013 to March 31, 2014)

DEPARTMENT	Individual	Political Party	Legal Firm	TOTAL
Advanced Education and Skills	3	0	0	3
Child, Youth and Family Services	4	0	0	4
Environment and Conservation	3	0	1	4
Human Resources Secretariat	1	0	0	1
Office of the Chief Information Officer	1	0	0	1
Finance	1	0	0	1
Justice	1	0	0	1
Service NL	3	0	0	3
Transportation and Works	0	2	0	2
Total by Applicant Type	17	2	1	20
Percentage %	85%	10%	5%	100%

Note: No personal information requests were made by media, businesses, interest groups, researchers or other public bodies.

Table 8b – Personal Information Requests by Public Body and Applicant Type (April 1, 2013 to March 31, 2014)

PUBLIC BODY	Individual	Business	Public Body	Legal Firm	Researcher	TOTAL
Central Health	1	0	0	0	0	1
College of the North Atlantic	5	0	0	0	0	5
Eastern Health	3	0	0	0	0	3
Fire and Emergency Services	1	0	0	0	0	1
Memorial University	9	0	0	0	1	10

PUBLIC BODY	Individual	Business	Public Body	Legal Firm	Researcher	TOTAL
NL English School District	7	0	0	0	0	7
NL Housing Corporation	1	0	0	0	0	1
Royal Newfoundland Constabulary	45	3	2	0	0	50
Town of Conception Bay South	1	0	0	0	0	1
Town of Portugal Cove-St. Philip's	1	0	0	1	0	2
Town of Terrenceville	1	0	0	0	0	1
Workplace, Health, Safety and Compensation Commission	1	0	0	0	0	1
Total by Applicant Type	76	3	2	1	1	83
Percentage %	92%	4%	2%	1%	1%	100

Note: No personal information requests were made by political parties, media, or interest groups.

Frequency Applicant Type

Table 9 – Personal Information Requests by Frequency of Applicant Type (April 1, 2013 to March 31, 2014)

Applicant Type	Department	Public Body	Total	Percentage
Political Party	2	0	2	2%
Individual	17	76	93	90%
Media	0	0	0	0%
Business	0	3	3	3%
Legal Firm	1	1	2	2%
Interest Group	0	0	0	0%
Other Public Body	0	2	2	2%
Researcher	0	1	1	1%
Total	20	83	103	100%

Fees

A person who requests access to his or her own personal information pays only the \$5.00 application fee; the head of the department or public body may waive the fee if deemed reasonable and fair in the circumstances. Processing fees are not charged for personal information requests.

During 2013-14, application fees received by government departments and public bodies totaled \$450.00.

Final Outcomes

The outcomes of personal information requests are shown in Table 10a for government departments and Table 10b for public bodies.

Table 10a – Final Outcome of Personal Information Requests by Department (April 1, 2013 to March 31, 2014)

Outcome by Department	Partial Disclosure	Full Disclosure	Do not Exist	Access Denied	TOTAL
Advanced Education and Skills	1	1	1	0	3
Child, Youth and Family Services	4	0	0	0	4
Environment and Conservation	3	1	0	0	4
Human Resources Secretariat	0	0	0	1	1
Office of the Chief Information Officer	0	1	0	0	1
Finance	0	1	0	0	1
Justice	1	0	0	0	1
Service NL	1	1	1	0	3
Transportation and Works	1	1	0	0	2
Total by Applicant Type	11	6	2	1	20
Percentage %	55%	30%	10%	5%	100%

Of the 20 personal information requests responded to by departments, 17 (85 per cent) resulted in full or partial disclosure. Two (10 per cent) requests were for records that did not exist and in one (five per cent) request, access was denied as it was part of an ongoing investigation.

Table 10b – Final Outcome of Personal Information Requests by Public Body (April 1, 2013 to March 31, 2014)

Outcome by Public Body	Partial Disclosure	Full Disclosure	Access Denied	Do not Exist	Withdrawn	TOTAL
Central Health	1	0	0	0	0	1
College of the North Atlantic	5	0	0	0	0	5
Eastern Health	3	0	0	0	0	3
Fire and Emergency Services	0	1	0	0	0	1
Memorial University	6	2	1	0	0	9*
NL English School District	5	1	1	0	0	7
NL Housing Corporation	1	0	0	0	0	1
Royal Newfoundland Constabulary	22	20	5	2	1	50
Town of Conception Bay South	0	1	0	0	0	1
Town of Portugal Cove-St. Philip's	1	1	0	0	0	2
Town of Terrenceville	1	0	0	0	0	1
Workplace, Health, Safety and Compensation Commission	0	1	0	0	0	1
Total by Applicant Type	45	27	7	2	1	82*
Percentage %	55%	33%	9%	2%	1%	100%

*At the time of this report one personal information request made to Memorial University had not been completed.

Of the 82 personal information requests responded to by public bodies, 72 (88 per cent) resulted in full or partial disclosure. Two (two per cent) requests were for records that did not exist and access was denied in seven (nine per cent) requests. The seven requests where access was denied were the result of two requests for an individual's personal information other than the applicant, and no consent was received to disclose the information (s.30); two were for records that were part of an ongoing investigation (s.5(1)(l)); one as a result of a law enforcement matter (s.22); one as a result of disclosure harmful to individual or public safety (s.26) and one was a request for records in different or electronic formats that could not be reasonably produced (s.10). One of the 83 requests was not complete at the time of this report.

Exceptions to Disclosure

Since a single request may list more than one exception, the numbers noted in the tables below do not correlate to the total number of access requests

received during the 2013-14 fiscal year. For example, one record or piece of information could be severed citing cabinet confidences (s.18), policy advice or recommendations (s.20) and information harmful to the financial or economic interests of a public body (s.24).

Table 11 – Exceptions to Disclosure for Personal Information Requests by Departments and Public Bodies (April 1, 2013 to March 31, 2014)

Section of the Act	Total	Percentage %
Mandatory		
s.18 – Cabinet Confidences	1	1%
s.22.2 – Information from a Workplace Investigation	3	3%
s.27 – Disclosure Harmful to the Business Interests of a Third Party	1	1%
s.30 – Disclosure Harmful to Personal Privacy	57	59%
Discretionary		
s.19 – Local Public Body Confidences	0	0%
s.20 – Policy Advice or Recommendations	12	13%
s.21 – Legal Advice	6	6%
s.22 – Disclosure Harmful to Law Enforcement	3	3%
s.22.1 – Confidential Evaluations	6	6%
s.23 – Disclosure Harmful to Intergovernmental Relations or Negotiations	2	2%
s.24 – Disclosure Harmful to the Financial or Economic Interests of a Public Body	2	2%
s.25 – Disclosure Harmful to Conservation	0	0%
s.26 – Disclosure Harmful to Individual or Public Safety	2	2%
s.26.1 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	1	1%
Total	96	99%

Note: Percentages do not add up to 100% due to rounding.

The same exceptions which apply to general requests may also apply to requests for personal information. The exceptions to disclosure listed above were used in 96 instances. Section 30 (mandatory exception for personal information) was the most widely applied exception, used in 57 (59 per cent) of exceptions. Discretionary exceptions were used in 34 (35 per cent) of the exceptions applied.

Response Times

The Act requires that public bodies respond to a request within 30 days of receipt with section 16(1) providing the public body with the ability to extend the response time for an additional 30 days where:

- there are insufficient details to allow the public body to identify records;
- a large number of records need to be searched and responding within 30 days would interfere unreasonably with operations;
- notice is given to a third party under section 28 and additional time is needed; or
- more time is needed to consult with a third party or other public body.

With the approval of the Information and Privacy Commissioner under section 16(2) public bodies may apply an additional extension where:

- one or more of the circumstances listed above apply for a period longer than the 30 days permitted under section 16(1);
- where multiple concurrent requests have been made by the same applicant or by two or more applicants who work for the same organization or who work in association with each other; or
- where the Commissioner otherwise considers that it is fair and reasonable to do so and as the Commissioner considers appropriate.

Table 12a provides a breakdown by department indicating when they met their legislated timelines (including with an extension).

Table 12a – Response Timelines of Personal Information Requests by Department (April 1, 2013 to March 31, 2014)

Department	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Advanced Education and Skills	2	1	0	3
Child, Youth and Family Services	4	0	0	4
Environment and Conservation	1	3	0	4
Human Resources Secretariat	1	0	0	1
Office of the Chief Information Officer	1	0	0	1
Finance	1	0	0	1
Justice	0	1	0	1
Service NL	3	0	0	3
Transportation and Works	2	0	0	2
Total	15	5	0	20
Percentage %	75%	25%	0%	100%

Table 12b provides a breakdown by public body indicating when they met their legislated timelines (including with an extension).

Table 12b – Response Timelines of Personal Information Requests by Public Body (April 1, 2013 to March 31, 2014)

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Central Health	1	0	0	1
College of the North Atlantic	0	5	0	5
Eastern Health	0	3	0	3
Fire and Emergency Services	1	0	0	1
Memorial University	3	2	4	9*
NL English School District	5	2	0	7
NL Housing Corporation	1	0	0	1
Royal Newfoundland Constabulary	47	0	3	50
Town of Conception Bay South	1	0	0	1
Town of Portugal Cove-St. Philip's	2	0	0	2
Town of Terrenceville	1	0	0	1
Workplace, Health, Safety and Compensation Commission	1	0	0	1

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Total	63	12	7	82*
Percentage %	77%	15%	9%	101%

* At the time of this report one personal information request made to Memorial University had not been completed.

Note: Percentages do not add up to 100% due to rounding.

Request for Correction of Personal Information

Under section 35 of the Act, an individual who believes there is an error or omission in his or her personal information on record with a department or public body may request that the relevant public body correct the information.

Eastern Health received one request for correction of personal information. No other requests for correction of personal information were reported by government departments or public bodies for the period of April 1, 2013 - March 31, 2014.

Annex B- Fee Schedule

Establishment of Fees and Forms for the *Access to Information and Protection of Privacy Act*

Pursuant to Section 21 of the *Executive Council Act*, Section 68 of the *Access to Information and Protection of Privacy Act* and all other powers enabling him in this regard, the Minister of the Office of Public Engagement has been pleased to establish the fees and forms set out below, effective from the 10th day of December, 2012.

Dated at St. John's in the Province of Newfoundland and Labrador, on the 10th day of December, 2012.

The Honourable Keith Hutchings
Minister of the Office of Public Engagement

FEES

1. (1) An applicant who makes a request for access to a record pursuant to the *Access to Information and Protection of Privacy Act* must pay to the public body:

- (a) an application fee in the amount of \$5.00;
 - (b) \$25.00 for each hour of person time after the first four (4) hours, rounded down to the nearest hour, for the following: locating; retrieving; providing; manually producing; and severing, which includes the review of records to determine whether or not any of the exceptions to disclosure apply, and the subsequent redaction of the records if necessary;
 - (c) for producing a record from information in electronic form, the actual cost of producing the record;
 - (d) for shipping a record, the actual costs of shipping using the method chosen by the applicant;
 - (e) where the record is stored or recorded in printed form and can be copied or printed using conventional equipment, 25 cents a page for providing a copy or print of the record; and
 - (f) where the record is stored or recorded in a manner other than that referred to in paragraph (e) or cannot be reproduced or printed on conventional equipment, the actual cost of reproduction for providing a copy of the record.
- (2) A person who requests access to his or her own personal information must pay only the application fee set out in paragraph (1)(a).

2. The application fee in paragraph 1(1)(a) shall be paid at the same time the application is submitted before access to a record is given.
3. (1) Where fees are estimated to be \$50 or more, the public body is required to give the applicant a fee estimate. If the applicant wishes to proceed, the public body will require the applicant to pay 50 percent of the fee estimate prior to commencing the work required to respond to the request. Upon receipt of the first 50 percent of the fee estimate, the public body shall complete 50 percent of the work. The remaining 50 percent of the fee estimate must be paid prior to the public body completing the remaining 50 percent of the work.
 - (2) Where fees are estimated to be less than \$50, the public body is required to give the applicant a fee estimate. If the applicant wishes to proceed, the fee must be paid in full prior to releasing the records to the applicant.
 - (3) A head shall refund any amount paid under subsection (1) that is subsequently waived.
4. Any fee estimate provided to an applicant in accordance with the previous fee schedule shall remain in effect until the completion of the access to information request.
5. Any new fee estimate for access to information requests shall be calculated in accordance with the fee schedule, as amended, effective immediately.

FORMS

Form 1	Application for Access
Form 1A	Notification Form of Access Request
Form 2	Acknowledgment of Request
Form 2A	Notice of Application Fee
Form 3	Notice of Transfer of Request
Form 3A	Notice to Abandon Request
Form 3B	Notice to Disregard Request
Form 4	Response to Applicant – Routine Disclosure
Form 4A	Response to Applicant - Full Disclosure
Form 4B	Response to Applicant - Partial Disclosure
Form 4C	Response to Applicant - Access Refused
Form 4D	Response to Applicant – No Records Responsive
Form 5	Notice of Extension of Time Limit
Form 5A	Notice of Extension with OIPC Approval
Form 6	Estimate of Costs Letter
Form 6A	Estimate of Costs
Form 6B	Balance Owing
Form 7	Notice to Third Party
Form 7A	Notice to Applicant of Third Party Notice
Form 8	ATIPP Summary Report

Office of Public Engagement (ATIPP Office) Contact Information

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