



2015-16 ANNUAL REPORT

on the Administration of the *Access to Information and
Protection of Privacy Act, 2015*

Justice and Public Safety



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MESSAGE FROM THE MINISTER

As the Minister responsible for Newfoundland and Labrador's *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)*, I am pleased to present this annual report. It has been an exciting year for access to information and privacy, with many new developments and initiatives.



This fiscal year has seen more access to information requests than any other year. Public bodies across Newfoundland and Labrador received 1410 requests for access to information, an increase of 86 per cent from last year. It has also seen the continued commitment to meeting legislated timelines for completing requests, due in large part to the hard work and dedication of ATIPP Coordinators across the province.

New legislation was introduced this year as a result of the recommendations of the independent ATIPPA Review Committee.

Our government also recognizes the importance of the protection of the public's privacy. In our continuous efforts to increase our professional standards concerning the collection, use, access and disclosure of personal information, we had 28 government ATIPP Coordinators and ATIPP Office staff complete privacy certification training through the accredited International Association of Privacy Professionals (IAPP).



Honourable Andrew Parsons
Minister of Justice and Public Safety
Attorney General

Overview

ATIPPA, 2015 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.

During the 2015-16 fiscal year, the Act was amended, with the new legislation coming into force on June 1, 2015. The new legislation saw many changes to the Act, including the requirement for public bodies to report all privacy breaches to the Office of the Information and Privacy Commissioner (OIPC), the oversight body for *ATIPPA, 2015*; an expanded definition of what a breach of privacy constitutes; as well as the reduction in the amount of time public bodies have to respond to requests, among others.

Under *ATIPPA, 2015*, individuals can access two types of information: their own personal information, or general information such as reports, expenses and statistics. It 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 can be made to the OIPC or Trial Division of the Supreme Court of Newfoundland and Labrador.

The ATIPP Office is responsible for the overall administration and coordination of the legislation. The office monitors the administration of *ATIPPA, 2015* 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 113 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 *ATIPPA, 2015* 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/info/accessrequestform.html>.

Highlights of 2015-16

On June 1, 2015, the new *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* came into force, replacing the previous legislation. This represented a significant change in the access and privacy community within Newfoundland and Labrador, with *ATIPPA, 2015* being widely recognized as the strongest access and privacy legislation in Canada and among the best in the world.

With this new legislation, a tremendous effort was made to update all training materials in advance of the coming into force of *ATIPPA, 2015*, including the online access and privacy training for government employees, comprehensive training materials for ATIPP coordinators, as well as the various manuals issued by the ATIPP Office, including the Access to Information Policy and Procedures Manual, the Protection of Privacy Policy and Procedures Manual as well as privacy breach materials. Underscoring the importance of understanding the access and privacy obligations on government employees, the Clerk of the Executive Council directed that all government staff complete the updated ATIPP online training by June 1, 2015.

Various rounds of training for the public sector were undertaken leading up to June 1, 2015, including several sessions of ATIPP coordinator training across the province. Sessions were held with Deputy Ministers, as well as with Deputy Ministers and their ATIPP coordinators. Individual sessions were also held for Assistant Deputy Ministers, as well as the heads of other public bodies.

In addition, significant work was done to develop specific and adapted training materials and resources for municipalities, including a dedicated Guide for Municipalities. Officials with the ATIPP Office also presented at various meetings held by Municipalities Newfoundland and Labrador as well as meetings held by the Professional Municipal Administrators.

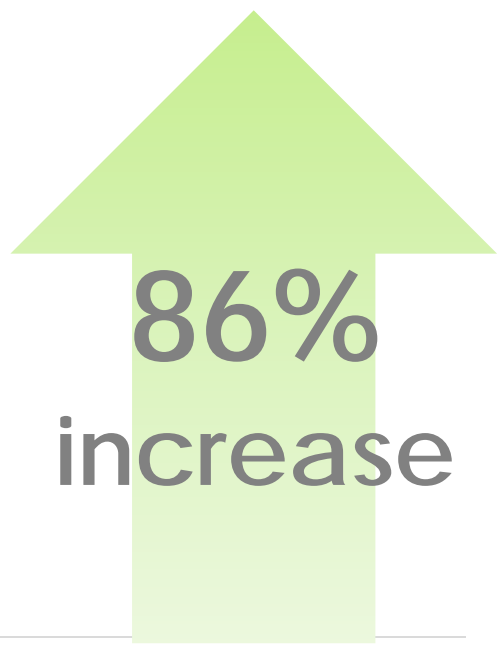
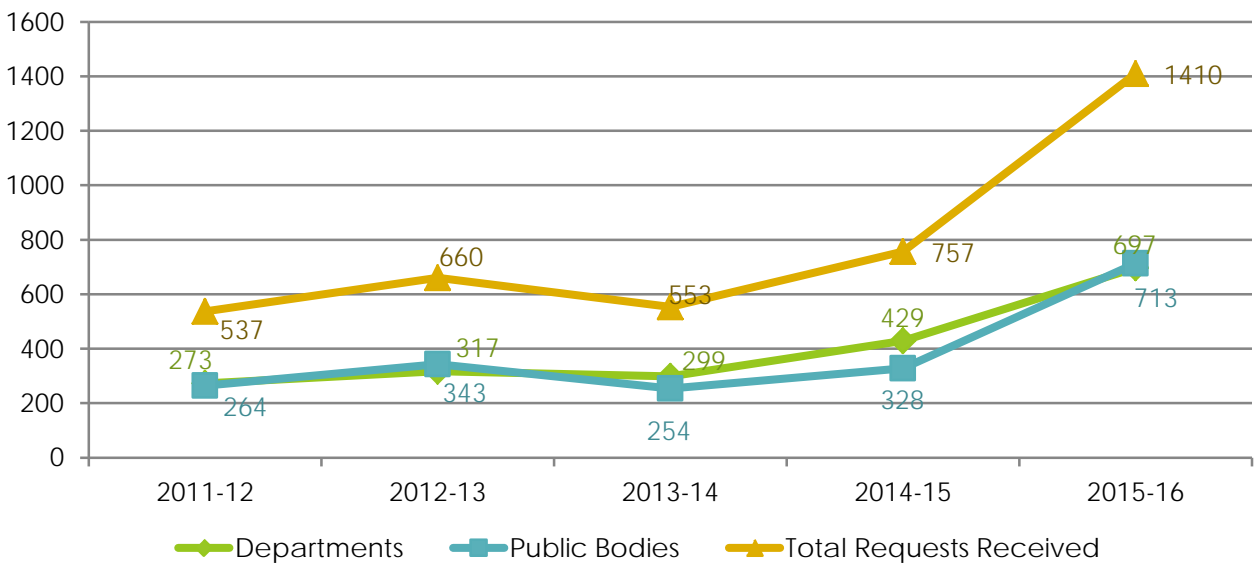
In an effort to provide easier access to information, the ATIPP Office launched its online access to information request webpage, providing applicants with the ability to file ATIPP requests electronically directly to the relevant department.

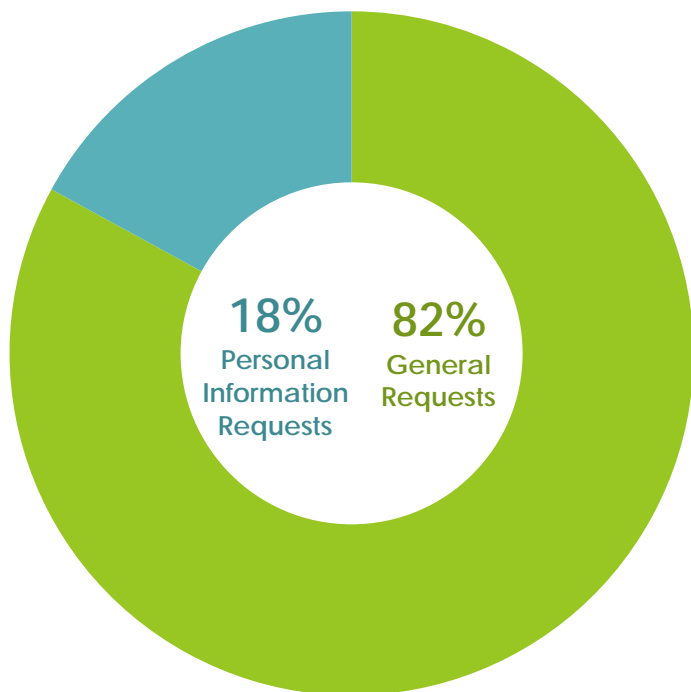
Report on Performance

Increase in Requests Received

In the 2015-16 fiscal year, a total of 1410 access requests were made to government departments and public bodies (see Annex A, Table 1). This represents an 86 per cent increase from the previous fiscal year when 757 requests were received. Overall, there has been a 163 per cent increase in the number of access requests received by government departments and public bodies over a five-year period (2011-12 to 2015-16).

Figure 1 – Number of Access Requests by Fiscal Year

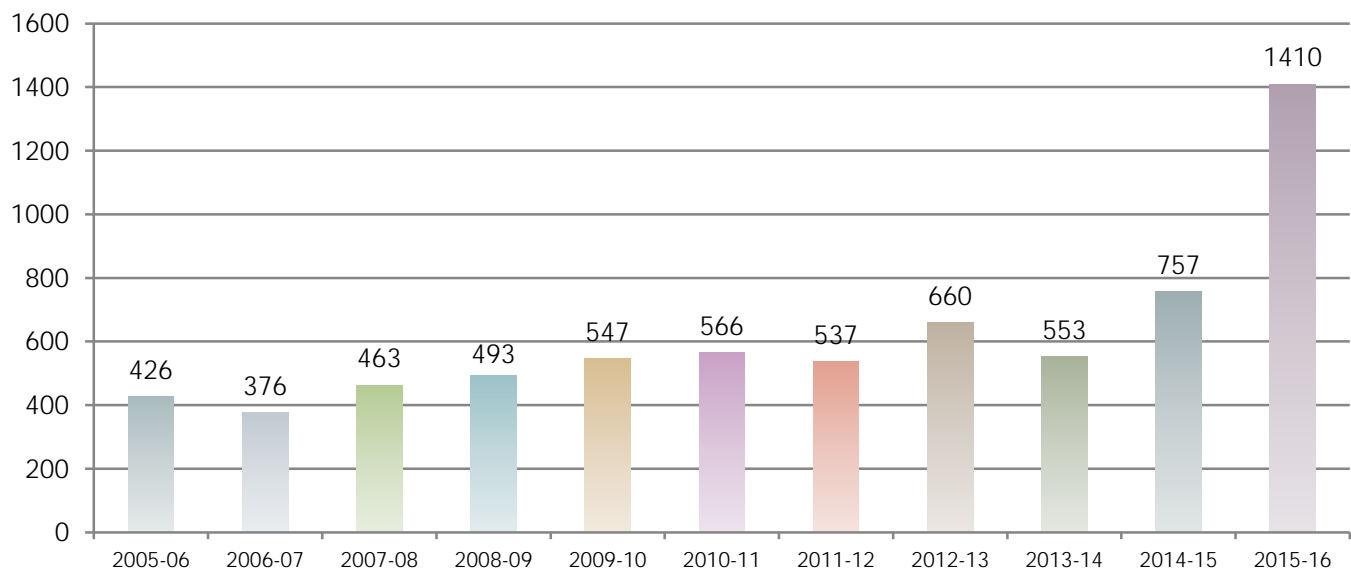




During 2015-16, general requests represented the majority of access to information requests received by all public bodies.

A look at the last eleven years since the Act came into force shows an overall increase in the number of access requests received by departments and public bodies, with 2015-16 seeing the highest number of requests received with 1410 requests as compared with 2005-06 where 426 requests were received (Figure 2).

Figure 2 – Number of Access Requests Over 11-Year Period



Of the 1410 requests received in 2015-16, the Government of Newfoundland and Labrador received 697 (49 per cent) requests, while other public bodies in total received 713 (51 per cent) requests. Of the requests made to government departments, 81 (12 per cent) were for personal information – people asking for

their own information. The remaining 616 (88 per cent) were general requests for records relating to government activities and programs.

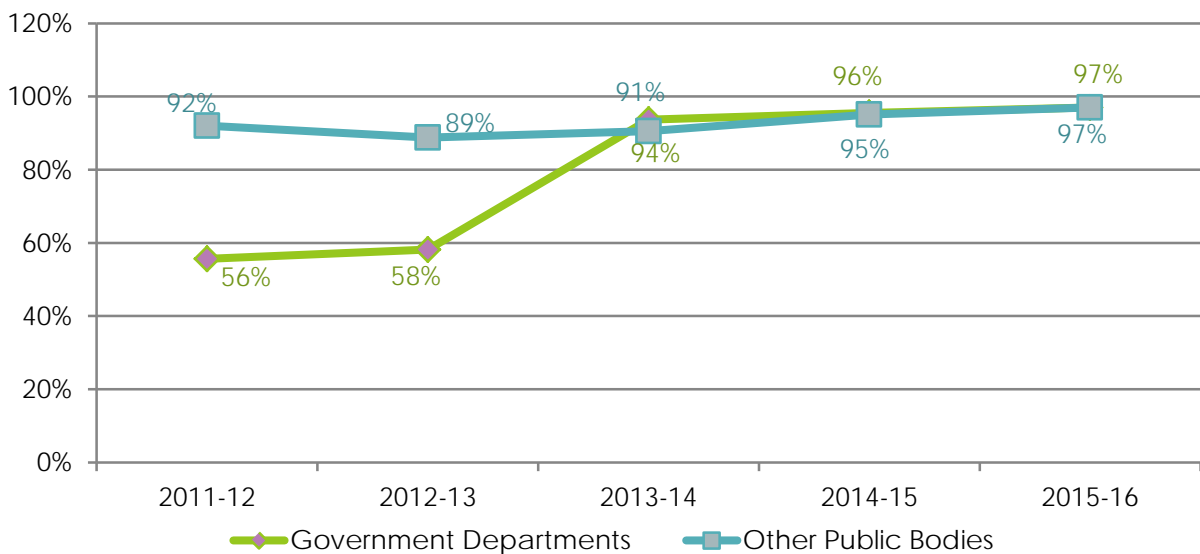
Response Times to Access Requests

During the 2015-16 fiscal year:

- departments responded to 96 per cent of general requests and 100 per cent of personal information requests within the legislated timelines¹; and
- public bodies responded to 96 per cent of general requests and 100 per cent of personal information requests within the legislated timelines².

As a result of an increased emphasis on meeting timelines when responding to requests, there has been continued improvement by departments in meeting timelines as compared to previous years (see Figure 3).

Figure 3 – On-Time Response Timelines (2011-12 to 2015-16)



¹ At the time of this report, two general access requests had not closed.

² At the time of this report, five general access requests had not closed.

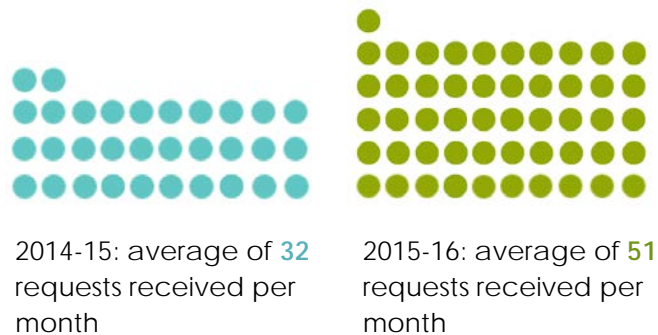


Of the **1410** access requests received by departments and public bodies, **96%** were responded to within the legislated timelines.

General Requests Received Monthly for 2015-16

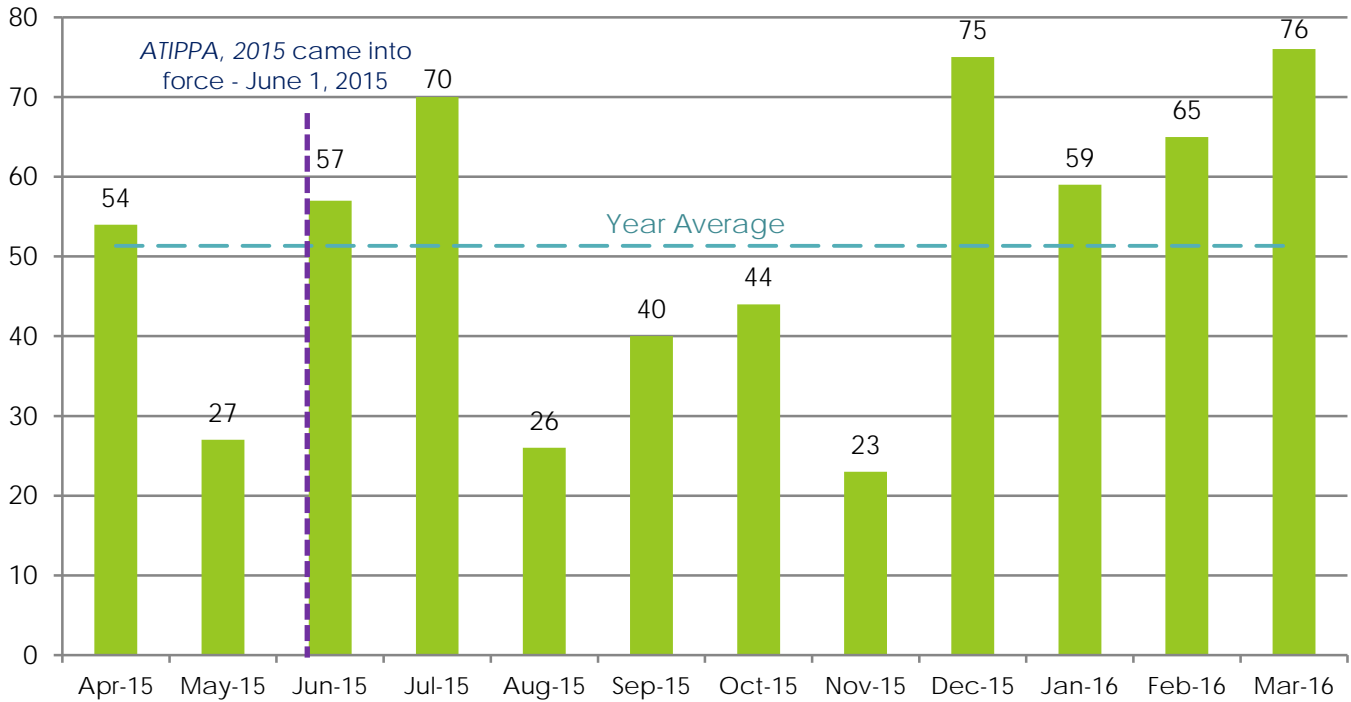
2015-16 was notable for an increase in the total number of ATIPP requests received by government departments. This fiscal year saw record-breaking numbers of general access requests received by government departments with 616 general access requests received in 2015-16 as compared with 220 received in 2006-07, an increase of 180 per cent.

Throughout 2015-16, the number of general requests received by departments each month saw an overall increase, with an average number of 51 requests received per month. This is an increase from the monthly average in 2014-15 of 32 requests per month.



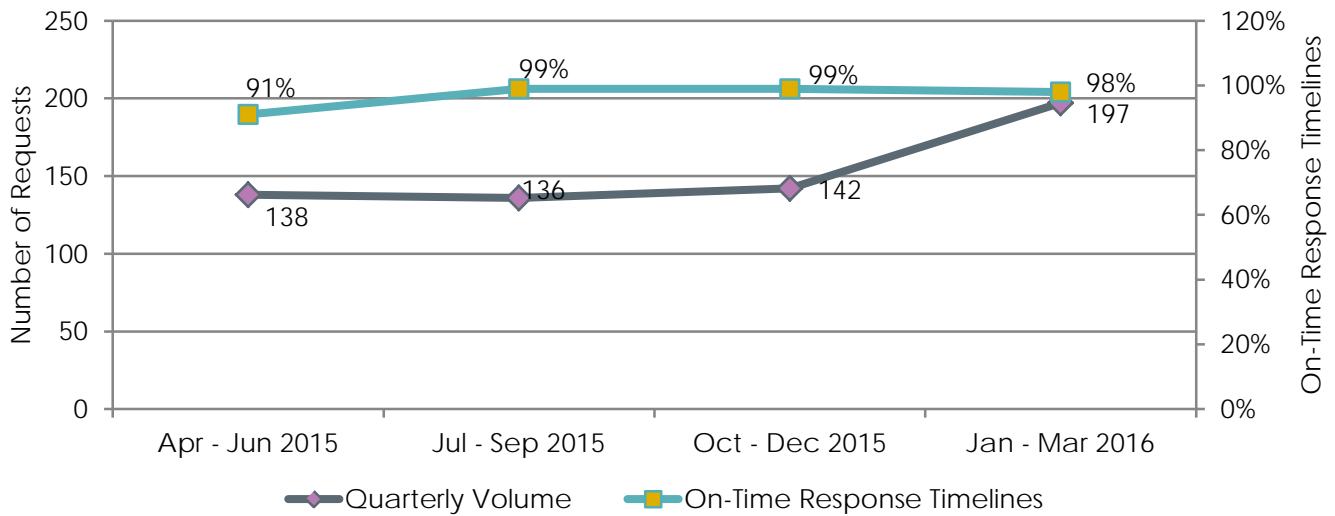
The number of general requests to other public bodies saw similar record-breaking numbers with 543 general requests received in 2015-16 as compared with 79 received in 2006-07, an increase of 587 per cent.

Figure 4 – General Requests Received Monthly for 2015-16*



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

Figure 5 – General Requests Quarterly Volume and Response Time for 2015-16



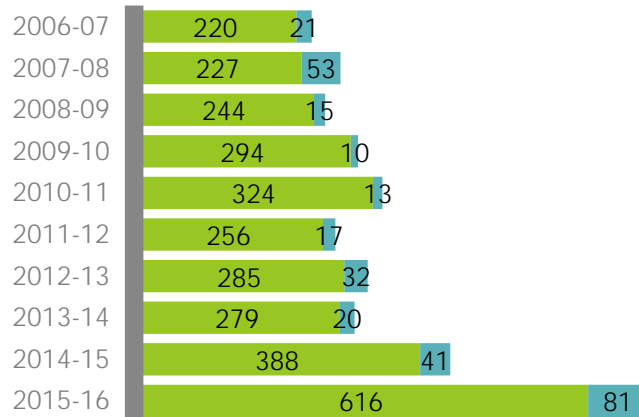
*Statistics provided in Figure 5 are requests received by government departments.

Providing Access

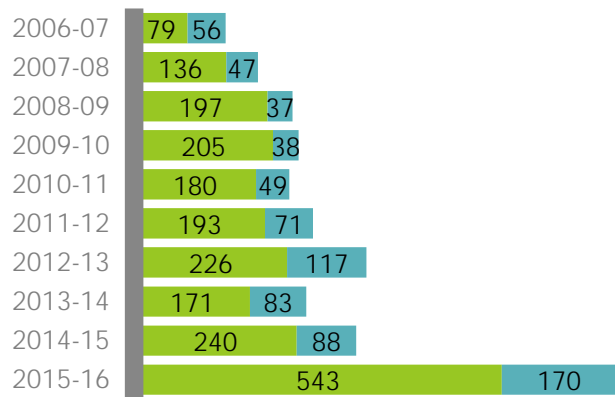
Year over year since 2005, the majority of requests received by all public bodies (departments and public bodies) have been requests for general information. In 2015-16, individuals seeking their own personal information submitted approximately 12 per cent of the requests received by government departments. Requests from individuals seeking general information from departments represented the other 88 per cent of requests.

For other public bodies, almost a quarter of requests (approximately 24 per cent) were for personal information and the remaining 76 per cent were for general information.

Requests to Departments



Requests to Public Bodies



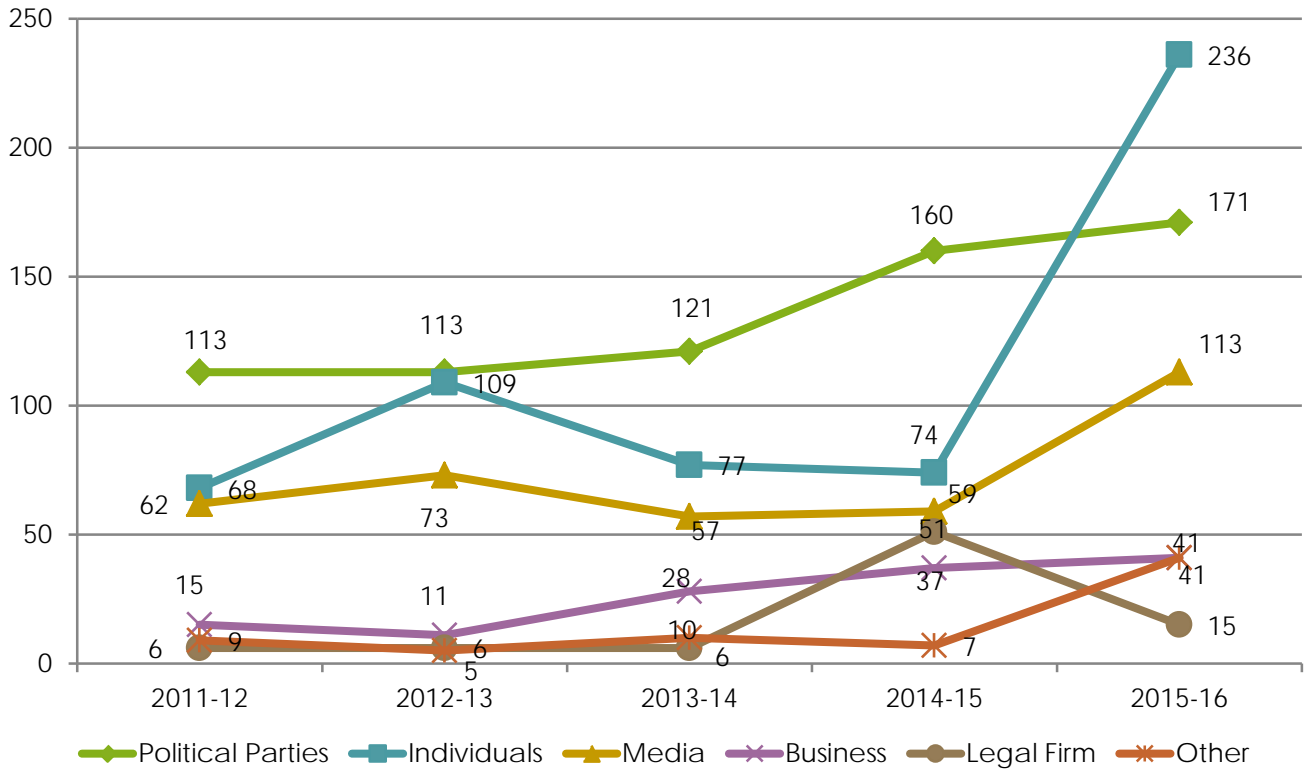
■ General Information ■ Personal Information

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.

The largest number of requests is received from political parties, individuals and media. The number of requests made by individuals and media has increased this fiscal year while the number of requests made by political parties is similar to last year, with the majority of requests received by departments being made by individuals in 2015-16.

Figure 6 – Requests by Applicant Type

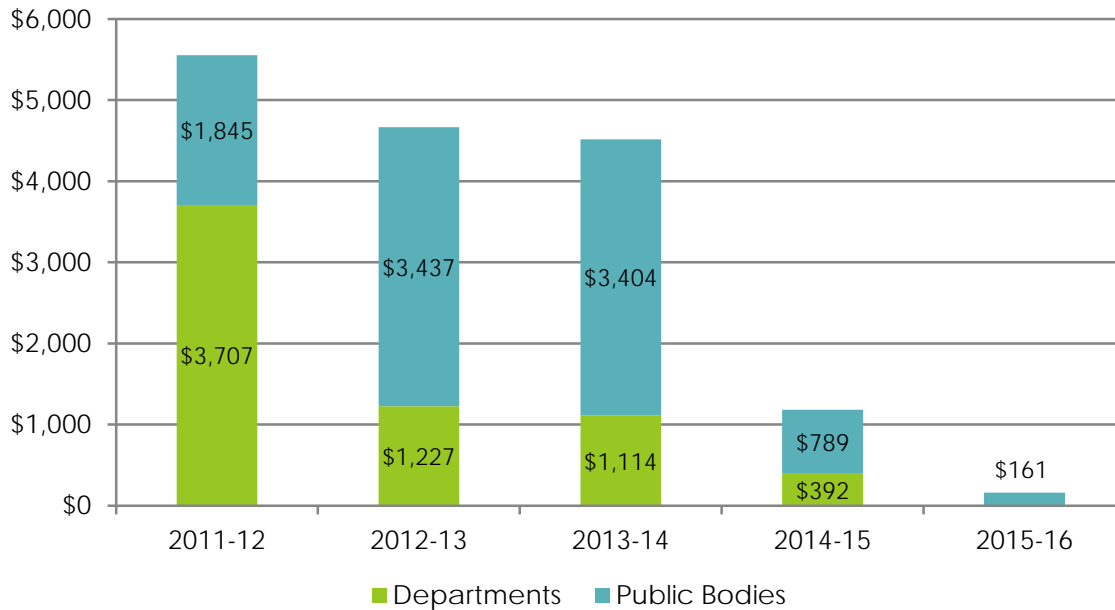


*Statistics provided in Figure 6 are requests received by government departments.

Processing Costs Paid for Access Requests

As a result of the changes to the Cost Schedule in March 2015, which included the elimination of an application fee as well as an increase in the free time for requests and a reduction in what can be charged, limited costs were paid in 2015-16. No costs were paid to government departments in 2015-16.

Figure 7 – Processing Costs Paid



Outcomes of Requests

Over the past five years, the percentage of departmental requests resulting in full disclosure has increased from 28 per cent in 2011-12 to 36 per cent in 2015-

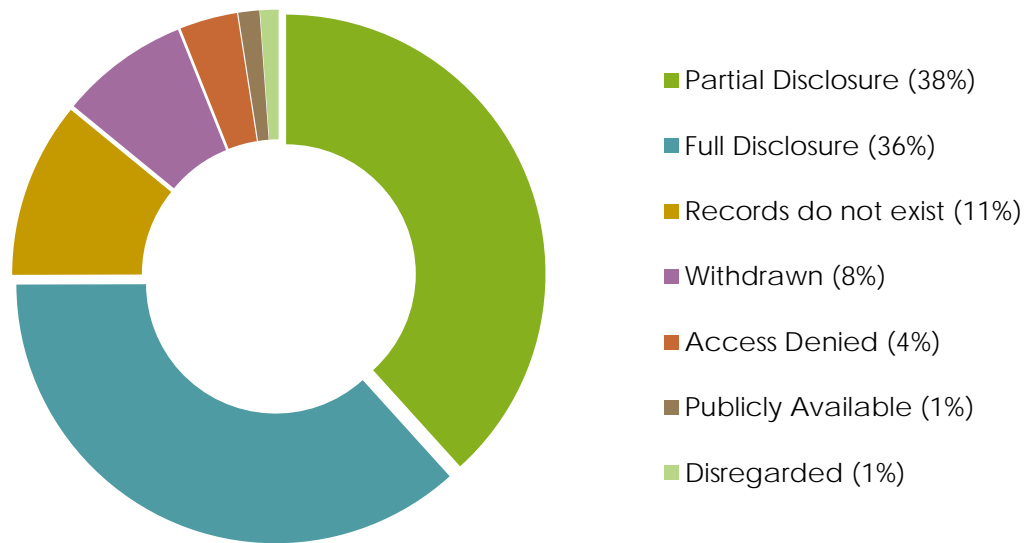
74%

of requests resulted in either full or partial disclosure of information

16. In addition, the number of requests resulting in access denied has decreased from five per cent in 2011-12 to four per cent in 2015-16.

Figure 8 shows the final outcome for departmental general access requests in 2015-16. The majority resulted in full disclosure (36 per cent) or partial disclosure (38 per cent).

Figure 8 – Final Outcome of General Access 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 and also responds to public inquiries.

The ATIPP Office received over 1,500 calls during 2015-16, with 63 per cent from departments and the remaining from agencies, board, commissions, municipalities and the general public. This represents an overall increase in the number of phone calls received by the ATIPP Office of 31 per cent from 2014-15.

1528

calls responded to by the ATIPP Office in 2015-16

Privacy Assessments

With the new ATIPPA, 2015, preliminary privacy impact assessments and full privacy impact assessments are now legislated.

Any new or redesigned programs involving personal information must undergo a preliminary privacy impact assessment or a full privacy impact assessment to identify risks and ensure compliance with the privacy provisions of the Act.

In 2015-16, the ATIPP Office reviewed 39 preliminary privacy impact assessments, and reviewed 9 websites to assess whether personal information was being collected.

Training

The 2014 Statutory Review Report of the Wells Committee discussed the need for training around access and privacy. The Report highlighted the need for professionalization of ATIPP Coordinators, including certification such as the Certified Information Privacy Professional certification through the International Association of Privacy Professionals. In 2015-16, 28 government department ATIPP Coordinators as well as ATIPP Office staff completed this training.

In addition to this certification for departmental ATIPP coordinators, the Report highlighted the need for specific and adapted training for municipalities. Following this recommendation, training was developed and delivered directly to municipalities by ATIPP Office staff at Municipalities NL and Professional

Municipal Administrators conferences in addition to direct training with municipalities.

2536

employees completed the online access and privacy training in 2015-16

In total, more than 1460 people attended 70 different access and privacy training sessions during 2015-16 and 2536 completed the online access and privacy training offered through the Provincial Government's Centre for Learning and Development.

Posting of ATIPP Requests

The ATIPP Office began the online posting of completed general access to information requests received by government departments in 2013. Since that time, more than 1200 requests have been posted up to fiscal year 2015-16, with approximately 85,000 pages of information posted online. A total of 571 completed general access requests were posted online in 2015-16 with more than 55,000 pages of information posted online.

55,578

pages of information
posted online on the
Completed ATIPP Request
Website

Annex A - Detailed Statistical Report

During 2015-16, departments and public bodies received a total of 1410 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, 2015 to March 31, 2016)

Request Type	Total	%
General Requests to a Government Department	616	44%
General Requests to a Public Body	543	39%
Personal Information Requests to a Government Department	81	6%
Personal Information Requests to a Public Body	170	12%
TOTAL	1410	101%

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

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

The listing of government departments is based on the departmental structure at the end of the 2015-16 fiscal year:

The Department of Municipal and Intergovernmental Affairs is now separated into two departments – Municipal Affairs, and the Intergovernmental Affairs Secretariat.

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 2015-16 fiscal year, a total of 1159 general requests were received by government departments and public bodies. Of these, departments received 616 (53 per cent) and public bodies 543 (47 per cent).

Table 2a – General Requests by Department and Applicant Type (April 1, 2015 to March 31, 2016)

DEPARTMENT	Individual	Political Party	Media	Business	Researcher	Legal Firm	Interest Group	Public Body	Not closed	TOTAL
Advanced Education and Skills	16	10	9	0	0	0	2	0	0	37
Business, Tourism, Culture and Rural Development	11	20	6	0	0	0	0	0	0	37
Child, Youth and Family Services	1	6	1	0	0	0	1	0	0	9
Education and Early Childhood Development	18	10	5	0	0	2	2	0	0	37
Environment and Conservation	22	9	4	9	0	3	0	0	0	47
Executive Council (Cabinet Secretariat)	4	6	8	0	0	2	0	0	0	20
Climate Change and Energy Efficiency	0	0	2	0	0	0	0	0	0	2
Human Resources Secretariat	7	3	3	0	0	0	0	1	0	14
Intergovernmental Affairs Secretariat	2	1	0	1	1	0	1	0	0	6
Labrador and Aboriginal Affairs Office	4	1	1	0	0	0	0	0	0	6
Office of the Chief Information Officer	0	0	1	1	0	0	0	1	0	3
Office of Public Engagement	1	1	1	0	0	0	0	0	0	3
Premier's Office	6	19	9	0	0	0	0	0	0	34
Women's Policy Office	0	3	0	0	0	0	0	0	0	3
Finance	1	15	8	2	16	1	1	0	1	45
Fisheries and Aquaculture	3	10	3	0	1	0	0	0	0	17
Health and Community Services	16	11	12	15	2	1	2	0	0	59
Justice and Public Safety	18	2	12	0	2	1	0	0	0	35
Municipal Affairs	54	8	2	1	0	2	3	0	1	71
Natural Resources	10	4	6	0	0	0	0	0	0	20
Service NL	14	7	5	7	0	2	0	0	0	35
Seniors, Wellness and Social Development	3	2	1	0	0	0	0	0	0	6
Transportation and Works	25	23	14	5	0	1	2	0	0	70
Total by Applicant Type	236	171	113	41	22	15	14	2	2	616
Percentage %	38%	28%	18%	7%	4%	2%	2%	0%	0%	99%

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

Table 2b – General Requests by Public Body and Applicant Type (April 1, 2015 to March 31, 2016)

DEPARTMENT	Individual	Media	Business	Political Party	Interest Group	Legal Firm	Researcher	Public Body	Not closed	TOTAL
Central Health	18	4	0	0	0	0	0	0	0	22
Centre for Health Information	1	1	0	0	0	0	0	0	0	2
City of Corner Brook	2	0	0	0	0	0	0	0	0	2
City of Mount Pearl	16	0	0	0	0	0	0	0	0	16
City of St. John's	42	8	3	0	2	7	2	0	0	64
College of the North Atlantic	5	1	0	0	0	0	2	0	0	8
Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador	19	0	0	0	0	0	0	0	0	19
Eastern Health	17	9	7	10	3	0	1	0	1	48
Electoral Districts Boundaries Commission	0	0	0	1	0	0	0	0	0	1
Fire and Emergency Services	6	0	0	0	0	0	0	0	0	6
Forestry and Agrifoods Agency	2	0	0	2	0	0	0	0	0	4
Government Purchasing Agency	2	0	4	1	0	0	0	0	2	9
Labour Relations Agency	0	0	0	0	3	0	0	1	0	4
Labour Relations Board	1	0	0	0	0	0	0	0	0	1
Labrador-Grenfell Health	4	4	0	1	0	0	0	0	0	9
Memorial University	63	13	1	0	5	0	1	0	0	83
Nalcor	8	3	0	2	6	2	1	0	1	23
NL 911 Bureau Inc.	0	0	0	1	0	0	0	0	0	1
NL English School District	5	2	0	2	3	0	0	0	1	13
NL Housing Corporation	0	9	0	0	0	0	0	0	0	9
NL Liquor Corporation	17	0	0	2	0	0	0	0	0	19
Provincial Information and Library Resources Board	1	0	0	1	0	0	0	0	0	2
Public Utilities Commission	1	0	1	0	0	0	0	0	0	2
Research and Development Corporation	0	1	0	0	0	0	0	0	0	1
The Rooms	0	1	0	0	0	0	0	0	0	1
Royal Newfoundland Constabulary Complaints Commission	1	0	0	0	0	0	0	0	0	1
Royal Newfoundland Constabulary	31	5	9	1	0	4	1	2	0	53
Town of Bay Bulls	6	0	0	0	0	0	0	0	0	6
Town of Bay Roberts	3	0	0	0	0	0	0	0	0	3
Town of Conception Bay South	10	0	0	0	0	1	0	0	0	11
Town of Embree	1	0	0	0	0	0	0	0	0	1
Town of Flatrock	1	0	0	0	0	0	0	0	0	1
Town of Grand Falls-Windsor	0	1	0	0	0	0	0	0	0	1

DEPARTMENT	Individual	Media	Business	Political Party	Interest Group	Legal Firm	Researcher	Public Body	Not closed	TOTAL
Town of Happy Valley-Goose Bay	1	0	0	0	0	0	0	0	0	1
Town of Holyrood	3	0	0	0	0	0	0	0	0	3
Town of Kippens	0	0	0	0	0	0	0	1	0	1
Town of Lewisporte	1	2	0	0	0	0	0	0	0	3
Town of Marystown	1	0	0	0	0	0	0	0	0	1
Town of New Perlican	1	0	0	0	0	0	0	0	0	1
Town of Paradise	11	0	0	0	0	5	0	0	0	16
Town of Pasadena	2	0	0	0	0	0	0	0	0	2
Town of Portugal Cove-St. Philip's	31	0	2	0	0	0	0	0	0	33
Town of St. George's	10	0	0	0	0	0	0	0	0	10
Town of Stephenville	3	0	0	0	0	2	0	0	0	5
Town of Torbay	2	0	1	0	0	0	0	0	0	3
Town of Wabana	0	1	0	0	0	0	0	1	0	2
Town of Witless Bay	0	2	0	0	0	0	0	0	0	2
Western Health	7	3	0	0	0	0	1	0	0	11
Workplace, Health, Safety and Compensation Review Division	0	0	0	1	0	0	0	0	0	1
Workplace NL	2	0	0	0	0	0	0	0	0	2
Total by Applicant Type	358	70	28	25	22	21	9	5	5	543
Percentage %	66%	13%	5%	5%	4%	4%	2%	1%	1%	101%

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

Frequency Applicant Type

Table 3 – General Requests by Frequency of Applicant Type (April 1, 2015 to March 31, 2016)

Applicant Type	Department	Public Body	Total	Percentage
Individual	236	358	594	51%
Political Party	171	25	196	17%
Media	113	70	183	16%
Business	41	28	69	6%
Legal Firm	15	21	36	3%
Interest Group	14	22	36	3%
Researcher	22	9	31	3%
Other Public Body	2	5	7	1%
Not Closed	2	5	7	1%
Total	616	543	1159	101%

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

Costs

Section 25 of the Act gives the Minister responsible for the Act the right to establish a Cost Schedule. The current Cost schedule came into effect March 9, 2015 and outlines the applicable costs for access to information requests (see Annex C). There is no application fee, however, applicants can be charge \$25.00 per hour for locating record; \$0.25 per page for photocopying; and associated shipping costs. For municipalities, fees are not charged for the first ten hours of time spent locating records. For all other public bodies, fees are not charged for the first fifteen hours of time spent locating records. 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 or is in the public interest.

The table below represents a breakdown of the \$160.50 in fees paid by applicants for access requests:

Table 4 – Fees Paid for General Requests (April 1, 2015 to March 31, 2016)

PUBLIC BODY	TOTAL (\$)
Town of Conception Bay South	\$90.50
Town of Witless Bay	\$70.00
Total	\$ 160.50

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, 2015 to March 31, 2016)

OUTCOME BY DEPARTMENT	Partial Disclosure	Full Disclosure	Do not Exist	Withdrawn	Access Denied	Publicly Available	Disregard	Other	Not Closed	TOTAL
Advanced Education and Skills	13	15	1	6	0	2	0	0	0	37
Business, Tourism, Culture and Rural Development	21	9	2	1	1	0	3	0	0	37
Child, Youth and Family Services	7	2	0	0	0	0	0	0	0	9
Education and Early Childhood Development	6	25	4	0	0	0	2	0	0	37
Environment and Conservation	23	15	5	3	1	0	0	0	0	47
Executive Council (Cabinet Secretariat)	8	5	1	1	5	0	0	0	0	20
Climate Change and Energy Efficiency	1	0	0	1	0	0	0	0	0	2
Human Resources Secretariat	1	8	0	4	1	0	0	0	0	14
Intergovernmental Affairs Secretariat	2	1	2	0	0	1	0	0	0	6
Labrador and Aboriginal Affairs Office	5	0	1	0	0	0	0	0	0	6
Office of the Chief Information Officer	2	0	0	1	0	0	0	0	0	3
Office of Public Engagement	1	1	1	0	0	0	0	0	0	3
Premier's Office	13	9	9	0	2	0	1	0	0	34
Women's Policy Office	3	0	0	0	0	0	0	0	0	3
Finance	13	25	4	1	0	1	0	0	1	45
Fisheries and Aquaculture	4	6	3	4	0	0	0	0	0	17
Health and Community Services	23	13	5	17	1	0	0	0	0	59
Justice and Public Safety	15	11	2	2	5	0	0	0	0	35
Municipal Affairs	14	29	13	7	2	2	1	2	1	71
Natural Resources	8	8	3	0	0	1	0	0	0	20
Service NL	19	7	7	1	0	1	0	0	0	35
Seniors, Wellness and Social Development	3	2	0	0	1	0	0	0	0	6
Transportation and Works	30	33	4	0	3	0	0	0	0	70
Total	235	224	67	49	22	8	7	2	2	616
Percentage %	38%	36%	11%	8%	4%	1%	1%	0%	0%	99%

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

Of the 616 general requests responded to by departments, 459 (74 per cent) resulted in full or partial disclosure, 67 (11 per cent) were for records that did not exist and access was denied in 22 (four per cent) requests.

Table 5b - Final Outcome of General Requests by Public Bodies (April 1, 2015 to March 31, 2016)

OUTCOME BY PUBLIC BODY	Full Disclosure	Partial Disclosure	Do not Exist	Access Denied	Withdrawn	Publicly Available	Not closed	Neither Confirm/Deny	Abandon	Disregard	TOTAL
Central Health	10	5	7	0	0	0	0	0	0	0	22
Centre for Health Information	2	0	0	0	0	0	0	0	0	0	2
City of Corner Brook	0	2	0	0	0	0	0	0	0	0	2
City of Mount Pearl	13	0	2	0	0	0	0	1	0	0	16
City of St. John's	55	2	2	3	2	0	0	0	0	0	64
College of the North Atlantic	3	3	0	1	1	0	0	0	0	0	8
Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador	14	1	4	0	0	0	0	0	0	0	19
Eastern Health	31	11	3	1	0	0	1	0	1	0	48
Electoral Districts Boundaries Commission	1	0	0	0	0	0	0	0	0	0	1
Fire and Emergency Services	3	3	0	0	0	0	0	0	0	0	6
Forestry and Agrifoods Agency	1	2	1	0	0	0	0	0	0	0	4
Government Purchasing Agency	6	1	0	0	0	0	2	0	0	0	9
Labour Relations Agency	2	1	1	0	0	0	0	0	0	0	4
Labour Relations Board	1	0	0	0	0	0	0	0	0	0	1
Labrador-Grenfell Health	7	2	0	0	0	0	0	0	0	0	9
Memorial University	55	16	2	1	8	1	0	0	0	0	83
Nalcor	6	7	2	0	0	7	1	0	0	0	23
NL 911 Bureau Inc.	0	1	0	0	0	0	0	0	0	0	1
NL English School District	7	3	1	1	0	0	1	0	0	0	13
NL Housing Corporation	3	4	0	1	0	1	0	0	0	0	9
NL Liquor Corporation	9	5	2	0	1	0	0	2	0	0	19
Provincial Information and Library Resources Board	1	1	0	0	0	0	0	0	0	0	2
Public Utilities Commission	1	0	0	1	0	0	0	0	0	0	2
Research and Development Corporation	1	0	0	0	0	0	0	0	0	0	1
The Rooms	1	0	0	0	0	0	0	0	0	0	1
Royal Newfoundland Constabulary Complaints	1	0	0	0	0	0	0	0	0	0	1

OUTCOME BY PUBLIC BODY	Full Disclosure	Partial Disclosure	Do not Exist	Access Denied	Withdrawn	Publicly Available	Not closed	Neither Confirm/Deny	Abandon	Disregard	TOTAL
Commission											
Royal Newfoundland Constabulary	6	17	2	28	0	0	0	0	0	0	53
Town of Bay Bulls	3	3	0	0	0	0	0	0	0	0	6
Town of Bay Roberts	3	0	0	0	0	0	0	0	0	0	3
Town of Conception Bay South	4	5	2	0	0	0	0	0	0	0	11
Town of Embree	1	0	0	0	0	0	0	0	0	0	1
Town of Flatrock	1	0	0	0	0	0	0	0	0	0	1
Town of Grand Falls-Windsor	1	0	0	0	0	0	0	0	0	0	1
Town of Happy Valley-Goose Bay	1	0	0	0	0	0	0	0	0	0	1
Town of Holyrood	2	0	1	0	0	0	0	0	0	0	3
Town of Kippens	0	1	0	0	0	0	0	0	0	0	1
Town of Lewisporte	1	2	0	0	0	0	0	0	0	0	3
Town of Marystown	0	1	0	0	0	0	0	0	0	0	1
Town of New Perlican	1	0	0	0	0	0	0	0	0	0	1
Town of Paradise	14	2	0	0	0	0	0	0	0	0	16
Town of Pasadena	2	0	0	0	0	0	0	0	0	0	2
Town of Portugal Cove-St. Philip's	23	6	3	0	1	0	0	0	0	0	33
Town of St. George's	8	0	2	0	0	0	0	0	0	0	10
Town of Stephenville	1	2	1	0	0	0	0	0	0	1	5
Town of Torbay	1	2	0	0	0	0	0	0	0	0	3
Town of Wabana	1	0	0	1	0	0	0	0	0	0	2
Town of Witless Bay	2	0	0	0	0	0	0	0	0	0	2
Western Health	8	2	1	0	0	0	0	0	0	0	11
Workplace, Health, Safety and Compensation Review Division	1	0	0	0	0	0	0	0	0	0	1
Workplace NL	0	0	0	0	1	0	0	0	1	0	2
Total by Applicant Type	319	113	39	38	14	9	5	3	2	1	543
Percentage %	59%	21%	7%	7%	3%	2%	1%	1%	0%	0%	101%

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

Of the 543 general requests responded to by public bodies, 432 (80 per cent) resulted in full or partial disclosure, while 39 (seven per cent) were for records that did not exist. Access was denied in 38 (seven 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 2015-16 fiscal year. For example, one record or piece of information could be severed citing cabinet confidences (s.27), policy advice or recommendations (s.29) and information harmful to the financial or economic interests of a public body (s.35).

Table 6 – Exceptions to Disclosure for General Requests by Departments and Public Bodies (April 1, 2015 to March 31, 2016)

SECTION OF THE ATIPP ACT*	TOTAL	PERCENTAGE %
MANDATORY		
s.27 – Cabinet Confidences	87	12%
s.33 – Information from a Workplace Investigation	4	1%
s.39 – Disclosure Harmful to Business Interests of a Third Party	57	8%
s.40 – Disclosure Harmful to Personal Privacy	260	35%
DISCRETIONARY		
s.28 – Local Public Body Confidences	7	1%
s.29 – Policy Advice or Recommendations	98	13%
s.30 – Legal Advice	62	8%
s.31 – Disclosure Harmful to Law Enforcement	51	7%
s.32 – Confidential Evaluations	4	1%
s.34 – Disclosure Harmful to Intergovernmental Relations or Negotiations	38	5%
s.35 – Disclosure Harmful to Financial or Economic Interests of a Public Body	56	7%
s.36 – Disclosure Harmful to Conservation	5	1%
s.37 – Disclosure Harmful to Individual or Public Safety	4	1%
s.38 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	9	1%
Total (mandatory and discretionary)	748	101%

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

The exceptions to disclosure listed above were used in 748 instances. Section 40 (mandatory exception for personal information) was the most widely applied exception, used in 260 (35 per cent) instances of all applied exceptions. Discretionary exceptions were used in 334 (45 per cent) of the exceptions applied.

Response Times

The Act requires that public bodies respond to a request within 20 business days of receipt under section 16.

With the approval of the Information and Privacy Commissioner under section 23, public bodies could apply an extension and the Commissioner may approve an application for extension where he/she considers it necessary and reasonable to do so in the circumstances, for the number of business days 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, 2015 to March 31, 2016)

DEPARTMENT	Met Timeline	Met Timeline with Extension	Timeline not Met	Not Closed	Total
Advanced Education and Skills	36	1	0	0	37
Business, Tourism, Culture and Rural Development	22	3	12	0	37
Child, Youth and Family Services	9	0	0	0	9
Education and Early Childhood Development	37	0	0	0	37
Environment and Conservation	40	5	2	0	47
Executive Council (Cabinet Secretariat)	20	0	0	0	20
Climate Change and Energy Efficiency	2	0	0	0	2
Human Resources Secretariat	14	0	0	0	14
Intergovernmental Affairs Secretariat	6	0	0	0	6
Labrador and Aboriginal Affairs Office	6	0	0	0	6
Office of the Chief Information Officer	3	0	0	0	3
Office of Public Engagement	3	0	0	0	3
Premier's Office	34	0	0	0	34
Women's Policy Office	3	0	0	0	3
Finance	44	0	0	1	45
Fisheries and Aquaculture	17	0	0	0	17
Health and Community Services	57	1	1	0	59

DEPARTMENT	Met Timeline	Met Timeline with Extension	Timeline not Met	Not Closed	Total
Justice and Public Safety	31	1	3	0	35
Municipal Affairs	68	1	1	1	71
Natural Resources	20	0	0	0	20
Service NL	35	0	0	0	35
Seniors, Wellness and Social Development	5	1	0	0	6
Transportation and Works	63	5	2	0	70
Total	575	18	21	2	616
Percentage %	93%	3%	3%	0%	99%

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

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, 2015 to March 31, 2016)

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	Not Closed	TOTAL
Central Health	21	0	1	0	22
Centre for Health Information	2	0	0	0	2
City of Corner Brook	1	0	1	0	2
City of Mount Pearl	16	0	0	0	16
City of St. John's	63	0	1	0	64
College of the North Atlantic	8	0	0	0	8
Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador	13	4	2	0	19
Eastern Health	45	2	0	1	48
Electoral Districts Boundaries Commission	1	0	0	0	1
Fire and Emergency Services	6	0	0	0	6
Forestry and Agrifoods Agency	4	0	0	0	4
Government Purchasing Agency	6	1	0	2	9
Labour Relations Agency	4	0	0	0	4
Labour Relations Board	1	0	0	0	1
Labrador-Grenfell Health	8	1	0	0	9
Memorial University	61	13	9	0	83
Nalcor	21	1	0	1	23
NL 911 Bureau Inc.	1	0	0	0	1
NL English School District	12	0	0	1	13
NL Housing Corporation	9	0	0	0	9

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	Not Closed	TOTAL
NL Liquor Corporation	14	5	0	0	19
Provincial Information and Library Resources Board	2	0	0	0	2
Public Utilities Commission	1	1	0	0	2
Research and Development Corporation	1	0	0	0	1
The Rooms	1	0	0	0	1
Royal Newfoundland Constabulary Complaints Commission	1	0	0	0	1
Royal Newfoundland Constabulary	51	2	0	0	53
Town of Bay Bulls	6	0	0	0	6
Town of Bay Roberts	3	0	0	0	3
Town of Conception Bay South	10	0	1	0	11
Town of Embree	1	0	0	0	1
Town of Flatrock	1	0	0	0	1
Town of Grand Falls-Windsor	0	0	1	0	1
Town of Happy Valley-Goose Bay	1	0	0	0	1
Town of Holyrood	3	0	0	0	3
Town of Kippens	1	0	0	0	1
Town of Lewisporte	3	0	0	0	3
Town of Marystown	1	0	0	0	1
Town of New Perican	1	0	0	0	1
Town of Paradise	14	0	2	0	16
Town of Pasadena	2	0	0	0	2
Town of Portugal Cove-St. Philip's	33	0	0	0	33
Town of St. George's	10	0	0	0	10
Town of Stephenville	4	0	1	0	5
Town of Torbay	2	0	1	0	3
Town of Wabana	0	0	2	0	2
Town of Witless Bay	2	0	0	0	2
Western Health	11	0	0	0	11
Workplace, Health, Safety and Compensation Review Division	1	0	0	0	1
Workplace NL	2	0	0	0	2
Total	486	30	22	5	543
Percentage %	90%	6%	4%	1%	101%

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

Section B - Personal Information Requests

Personal information can be requested by the individual the information is about or by another individual who has 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, 2015 to March 31, 2016)

DEPARTMENT	Individual	Legal Firm	TOTAL
Advanced Education and Skills	9	0	9
Business, Tourism, Culture and Rural Development	2	0	2
Child, Youth and Family Services	5	0	5
Education and Early Childhood Development	3	0	3
Environment and Conservation	1	0	1
Executive Council (Cabinet Secretariat)	2	0	2
Human Resources Secretariat	5	0	5
Premier's Office	4	0	4
Fisheries and Aquaculture	1	0	1
Health and Community Services	10	1	11
Justice and Public Safety	11	0	11
Municipal and Intergovernmental Affairs	8	0	8
Natural Resources	1	0	1
Service NL	15	0	15
Transportation and Works	3	0	3
Total by Applicant Type	80	1	81
Percentage %	99%	1%	100%

Table 8b – Personal Information Requests by Public Body and Applicant Type (April 1, 2015 to March 31, 2016)

PUBLIC BODY	Individual	Political Party	Legal Firm	Interest Group	Business	TOTAL
Central Health	4	0	1	0	0	5
City of St. John's	8	0	1	0	0	9
College of the North Atlantic	9	0	0	0	0	9
Eastern Health	16	12	0	0	0	28
Memorial University	9	0	0	2	0	11
NL English School District	5	0	0	0	0	5
Public Service Commission	1	0	0	0	0	1
Royal Newfoundland Constabulary	88	0	8	0	1	97
Town of Gambo	1	0	0	0	0	1
Town of Portugal Cove-St. Philip's	1	0	1	0	0	2
Western Health	1	0	0	0	0	1
Workplace NL	1	0	0	0	0	1
Total by Applicant Type	144	12	11	2	1	170
Percentage %	85%	7%	6%	1%	1%	100%

Frequency Applicant Type

Table 9 – Personal Information Requests by Frequency of Applicant Type (April 1, 2015 to March 31, 2016)

Applicant Type	Department	Public Body	Total	Percentage
Individual	80	144	224	89%
Political Party	0	12	12	5%
Legal Firm	1	11	12	5%
Interest Group	0	2	2	1%
Business	0	1	1	0%
Total	81	170	251	100%

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

Costs

There were no costs associated with personal information requests.

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, 2015 to March 31, 2016)

Outcome by Department	Full Disclosure	Partial Disclosure	Do not Exist	Withdrawn	Other	Access Denied	Publicly Available	Disregard	Deny/Confirm/Neither	TOTAL
Advanced Education and Skills	6	1	0	0	2	0	0	0	0	9
Business, Tourism, Culture and Rural Development	1	1	0	0	0	0	0	0	0	2
Child, Youth and Family Services	0	5	0	0	0	0	0	0	0	5
Education and Early Childhood Development	2	1	0	0	0	0	0	0	0	3
Environment and Conservation	1	0	0	0	0	0	0	0	0	1
Executive Council (Cabinet Secretariat)	1	0	1	0	0	0	0	0	0	2
Human Resources Secretariat	3	2	0	0	0	0	0	0	0	5
Premier's Office	0	2	2	0	0	0	0	0	0	4
Fisheries and Aquaculture	0	0	0	1	0	0	0	0	0	1
Health and Community Services	4	2	4	1	0	0	0	0	0	11
Justice and Public Safety	4	3	4	0	0	0	0	0	0	11
Municipal and Intergovernmental Affairs	4	2	1	0	0	1	0	0	0	8
Natural Resources	1	0	0	0	0	0	0	0	0	1
Service NL	4	7	1	0	0	0	1	1	1	15
Transportation and Works	1	2	0	0	0	0	0	0	0	3
Total by Final Outcome	32	28	13	2	2	1	1	1	1	81
Percentage %	40%	35%	16%	2%	2%	1%	1%	1%	1%	99%

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

Of the 81 personal information requests responded to by departments, 60 (75 per cent) resulted in full or partial disclosure. Thirteen (16 per cent) requests were for records that did not exist and, in one (one per cent) request, access was denied.

Table 10b – Final Outcome of Personal Information Requests by Public Body (April 1, 2015 to March 31, 2016)

Outcome by Public Body	Partial Disclosure	Full Disclosure	Access Denied	Do not Exist	Withdrawn	Disregard	TOTAL
Central Health	3	1	1	0	0	0	5
City of St. John's	1	8	0	0	0	0	9
College of the North Atlantic	7	1	0	0	0	1	9
Eastern Health	13	11	0	4	0	0	28
Memorial University	6	3	0	1	1	0	11
NL English School District	2	3	0	0	0	0	5
Public Service Commission	0	1	0	0	0	0	1
Royal Newfoundland Constabulary	29	19	44	5	0	0	97
Town of Gambo	1	0	0	0	0	0	1
Town of Portugal Cove-St. Philip's	1	1	0	0	0	0	2
Western Health	0	1	0	0	0	0	1
Workplace NL	0	0	0	1	0	0	1
Total by Final Outcome	63	49	45	11	1	1	170
Percentage %	37%	29%	26%	6%	1%	1%	100%

Of the 170 personal information requests responded to by public bodies, 112 (66 per cent) resulted in full or partial disclosure. Access was denied in 45 (26 per cent) of requests and 11 (six per cent) requests were for records that did not exist.

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 2015-16 fiscal year. For example, one record or piece of

information could be severed citing cabinet confidences (s.27), policy advice or recommendations (s.29) and information harmful to the financial or economic interests of a public body (s.35).

Table 11 – Exceptions to Disclosure for Personal Information Requests by Departments and Public Bodies (April 1, 2015 to March 31, 2016)

Section of the Act	Total	Percentage %
Mandatory		
s.27 – Cabinet Confidences	2	1%
s.33 – Information from a Workplace Investigation	0	0%
s.39 – Disclosure Harmful to the Business Interests of a Third Party	1	1%
s.40 – Disclosure Harmful to Personal Privacy	73	42%
Discretionary		
s.28 – Local Public Body Confidences	0	0%
s.29 – Policy Advice or Recommendations	11	6%
s.30 – Legal Advice	20	12%
s.31 – Disclosure Harmful to Law Enforcement	52	30%
s.32 – Confidential Evaluations	0	0%
s.34 – Disclosure Harmful to Intergovernmental Relations or Negotiations	0	0%
s.35 – Disclosure Harmful to the Financial or Economic Interests of a Public Body	2	1%
s.36 – Disclosure Harmful to Conservation	0	0%
s.37 – Disclosure Harmful to Individual or Public Safety	2	1%
s.38 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	3	2%
Total	172	96%

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 172 instances. Section 40 (mandatory exception for personal information) was the most widely applied exception, used in 73 (42 per cent) of exceptions. Discretionary exceptions were used in 90 (62 per cent) of the exceptions applied.

Response Times

The Act requires that public bodies respond to a request within 20 business days of receipt under section 16.

With the approval of the Information and Privacy Commissioner under section 23, public bodies could apply an extension and the Commissioner may approve an application for extension where he/she considers it necessary and reasonable to do so in the circumstances, for the number of business days 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, 2015 to March 31, 2016)

Department	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Advanced Education and Skills	9	0	0	9
Business, Tourism, Culture and Rural Development	2	0	0	2
Child, Youth and Family Services	5	0	0	5
Education and Early Childhood Development	3	0	0	3
Environment and Conservation	1	0	0	1
Executive Council (Cabinet Secretariat)	2	0	0	2
Human Resources Secretariat	5	0	0	5
Premier's Office	4	0	0	4
Fisheries and Aquaculture	1	0	0	1
Health and Community Services	10	1	0	11
Justice and Public Safety	11	0	0	11
Municipal and Intergovernmental Affairs	8	0	0	8
Natural Resources	1	0	0	1
Service NL	15	0	0	15
Transportation and Works	3	0	0	3
Total	80	1	0	81
Percentage %	99%	1%	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, 2015 to March 31, 2016)

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Central Health	4	1	0	5
City of St. John's	9	0	0	9
College of the North Atlantic	7	2	0	9
Eastern Health	27	1	0	28
Memorial University	9	2	0	11
NL English School District	4	1	0	5
Public Service Commission	1	0	0	1
Royal Newfoundland Constabulary	96	1	0	97
Town of Gambo	1	0	0	1
Town of Portugal Cove-St. Philip's	2	0	0	2
Western Health	1	0	0	1
Workplace NL	1	0	0	1
Total	162	8	0	170
Percentage %	95%	5%	0%	100%

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.

No requests for correction of personal information were reported by government departments or public bodies for the period of April 1, 2015 - March 31, 2016.

Annex B – House of Assembly and Statutory Offices Statistics

During 2015-16, the House of Assembly and Statutory Offices received a total of 10 general and personal access requests.

Type and Volume of Requests

During the 2015-16 fiscal year, a total of 10 requests were received by the House of Assembly and Statutory Offices. Of these, nine (90 per cent) were general requests and one (10 per cent) were personal information requests.

Table 1 –Requests received by House of Assembly and Statutory Office and Type (April 1, 2015 to March 31, 2016)

OFFICE*	General	Personal	TOTAL
House of Assembly	5	0	5
Office of the Child and Youth Advocate	0	1	1
Office of the Chief Electoral Officer	4	0	4
Total by Type of Request	9	1	10
Percentage %	90%	10%	100%

**Please note that the following three offices received no requests during the 2015-15 fiscal year: Commissioner of Legislative Standards, Office of the Citizens' Representative and the Office of the Information and Privacy Commissioner.*

Costs

There were no fees paid by applicants for House of Assembly or Statutory Office access requests.

Final Outcomes

Table 2 – Final Outcome by House of Assembly and Statutory Office (April 1, 2015 to March 31, 2016)

OFFICE	Full disclosure	Partial disclosure	Records do not exist	Access denied	TOTAL
House of Assembly	2	2	1	0	5
Office of the Child and Youth Advocate	0	0	0	1	1
Office of the Chief Electoral Officer	2	2	0	0	4
Total by Type of Request	4	4	1	1	10
Percentage %	40%	40%	10%	10%	100%

Of the 10 requests responded to by the House of Assembly and Statutory Offices, eight (80 per cent) resulted in full or partial disclosure, one (10 per cent) was for records that did not exist and access was denied in one (10 per cent) request.

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 2015-16 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 3 – Exceptions to Disclosure for Requests by the House of Assembly and Statutory Offices (April 1, 2015 to March 31, 2016)

SECTION OF THE ATIPP ACT*	TOTAL	PERCENTAGE %
MANDATORY		
s.27 – Cabinet Confidences	0	0%
s.33 – Information from a Workplace Investigation	0	0%
s.39 – Disclosure Harmful to Business Interests of a Third Party	0	0%
s.40 – Disclosure Harmful to Personal Privacy	2	40%
s.41 – Disclosure of House of Assembly Services and Statutory Office Records	2	40%
DISCRETIONARY		
s.28 – Local Public Body Confidences	0	0%
s.29 – Policy Advice or Recommendations	0	0%
s.30 – Legal Advice	0	0%
s.31 – Disclosure Harmful to Law Enforcement	0	0%
s.32 – Confidential Evaluations	0	0%
s.34 – Disclosure Harmful to Intergovernmental Relations or Negotiations	0	0%
s.35 – Disclosure Harmful to Financial or Economic Interests of a Public Body	1	20%
s.36 – Disclosure Harmful to Conservation	0	0%
s.37 – Disclosure Harmful to Individual or Public Safety	0	0%
s.38 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	0	0%
Total (mandatory and discretionary)	5	100%

The exceptions to disclosure listed above were used in five instances. Sections 40 and 41 (mandatory exceptions for personal information and House of assembly services and statutory office records) were the most widely applied exceptions, used in four (80 per cent) instances of all applied exceptions. Discretionary exceptions were used in one (20 per cent) of the exceptions applied.

Response Time

Table 4 provides a breakdown by House of Assembly or Statutory Office, indicating when each met their legislated timelines (including with an extension), and when they did not meet their legislated timelines.

Table 4 – Response Timelines for Requests by House of Assembly or Statutory Office (April 1, 2015 to March 31, 2016)

OFFICE	Met Timeline	Timeline not Met	Total
House of Assembly	5	0	5
Office of the Child and Youth Advocate	4	0	4
Office of the Chief Electoral Officer	1	0	1
Total	10	0	10
Percentage %	100%	0%	100%

Request for Correction of Personal Information

No requests for correction of personal information were reported by the House of Assembly or Statutory Offices for the period of April 1, 2015 - March 31, 2016.

Annex C – Cost Schedule

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

Pursuant to Section 21 of the *Executive Council Act*, Section 25 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 costs, effective from the 1st day of June, 2015.

Dated at St. John's in the Province of Newfoundland and Labrador, on the 1st day of June, 2015.

The Honourable Steve Kent
Minister of the Office of Public Engagement

COSTS

1. In this cost schedule "applicant" refers to a person who makes a request for access to a record pursuant to the *Access to Information and Protection of Privacy Act*.
2. A public body shall not charge an applicant:
 - (a) for making an access to information request; or
 - (b) for identifying, retrieving, reviewing, severing or redacting a record;
3. A public body may charge an applicant:
 - (a) \$25.00 for each hour spent locating a record after the first ten (10) hours, where the request is made to a local government body; or
 - (b) \$25.00 for each hour spent locating a record after the first fifteen (15) hours, where the request is made to another public body.
4. A public body may charge an applicant:
 - (a) 25 cents a page for providing a copy or print of the record, where the record is stored or recorded in printed form and can be reproduced or printed using conventional equipment;
 - (b) the actual cost of reproducing or providing a record, where a record cannot be reproduced or printed on conventional equipment then in use by the public body; and
 - (c) The actual cost of shipping a record using the method chosen by the applicant.
5. A person who requests access to his or her own personal information shall not be required to pay any costs for access to that personal information.
6. (a) Where costs are to be charged, the public body is required to give the applicant an estimate of the total cost before providing the service. The public body will require the applicant to pay 50 percent of the cost estimate prior to commencing the work required to respond to the request, with the remaining

- 50 percent to be paid upon completion of the services.
- (b) Upon being provided with a cost estimate, the applicant has 20 business days from the day the estimate is sent to:
- (i) accept the estimate and pay 50 percent of the costs;
 - (ii) modify the request in order to change the amount of the cost;
 - (iii) apply to the public body to waive all or part of the costs; or
 - (iv) submit a complaint to the commissioner about the costs.
- (c) Where an estimate is given to an applicant under (b), the time within which the head of the public body is required to respond is suspended until the applicant notifies the head to proceed with the request.
- (d) If the applicant does not respond to the cost estimate as set out in (b), the applicant is considered to have abandoned the request.
- (e) The costs charged to the applicant shall not exceed either the actual cost of the services or the estimate given to the applicant.
7. (a) The head of a public body may, upon receipt of an application from an applicant, waive the payment of all or part of the costs payable where the head is satisfied that:
- (i) payment would impose an unreasonable financial hardship on the applicant; or
 - (ii) it would be in the public interest to disclose the record.
- (b) Where an applicant applies for a waiver, the head of the public body shall inform the applicant in writing as to the head's decision about waiving all or part of the costs.
- (c) The head shall refund any amount paid by an applicant that is subsequently waived.
8. Any new cost estimate for access to information requests shall be calculated in accordance with this cost schedule effective immediately.

Annex D – ATIPPA Recommendations Implementation Report (for the period June 1, 2015 to May 31, 2016)

Introduction

In March 2015, the Independent Statutory Review Committee submitted its report on the statutory review of the *Access to Information and Protection of Privacy Act* with a two-volume report containing 90 recommendations and draft legislation.

Recommendation 90 specifically stated that “Where the House of Assembly enacts any of the Committee’s recommendations, the Minister of the Office of Public Engagement report to the House of Assembly, within one year of such enactment, on the progress of its implementation.”

Purpose

In accordance with recommendation 90 of the statutory review report, the Office of Public Engagement hereby presents a report on the progress of the implementation of recommendations enacted by the House of Assembly.

Summary

Of the 90 recommendations, 67 were legislative and 23 were policy recommendations. On June 1, 2015, the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* came into force, replacing the earlier access and privacy legislation. Enactment of *ATIPPA, 2015* represented the completion of 64 of the legislative recommendations, with one additional provision coming into force on August 1, 2015.

Detailed Legislative Implementation Summary

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #1: Purpose of the Act be expanded to facilitate democracy by increasing transparency and ensuring the public has access to information required to participate meaningfully in the democratic process.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #2: The Act be amended to give delegated authority for handling a request solely to the ATIPP Coordinator.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #4: The Act be amended to anonymize the identity and type of requester upon receipt of the request and until the final response is sent to the requester by the ATIPP coordinator, except where the request is for personal information or the identity of the requester is necessary to respond to the request.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #9: Section 13 (repetitive and incomprehensible requests) and s.43.1 (disregarding requests) be combined into one section providing public bodies the ability to disregard requests with authorization from the Information and Privacy Commissioner.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #10: Public Interest Override: provides that discretionary exceptions available to a public body to refuse to disclose information to an applicant does not apply where it is “clearly demonstrated that the public interest in disclosure outweighs the reason for exception”.</p> <p>Exceptions include: local body confidences, policy advice or recommendations, legal advice, confidential evaluations, disclosure harmful to intergovernmental relations or negotiations, disclosure harmful to the financial/economic interests of public body, disclosure harmful to conservation and disclosure harmful to public relations interests of a public body as employer.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
Recommendation #12: Removal of protection of briefing books for ministers assuming a new portfolio and for preparing for a sitting in the House of Assembly.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #14: Protection of Cabinet records concept maintained, except for factual and background sections of "a discussion paper, policy analysis, proposal, advice or briefing material prepared for the Cabinet". The new provision also removes supporting/discontinued/removed categories of Cabinet record.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #15: With all other records that are not Cabinet records, information in those records which reveals "substance of Cabinet deliberations" not to be disclosed.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #16: The Commissioner has jurisdiction to require production for examination any document claimed to be a Cabinet document.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #17: The Clerk of the Executive Council has discretion to disclose any Cabinet record where satisfied that the public interest in disclosure of the record outweighs the reason for the exception.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #18: Retain 20 year limit on release of Cabinet records.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #20: Incomplete formal research reports can be withheld where a request or order for completion has been made within 65 business days of receiving the report.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #21: Remove reference to discretion to refuse to disclose information that would reveal consultations or deliberations involving officers or employees of a public body, a minister or the staff of a minister.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #22: The revised Act contain a provision similar to the section respecting solicitor-client privilege.	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
Recommendation #23: No restriction on the right of the Commissioner to require production of solicitor-client privileged records and the Commissioner considers relevant to an investigation of a complaint.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #24: The solicitor-client privilege of the record produced to Commissioner shall not be affected by disclosure to the Commissioner pursuant to the Act.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #25: An applicant can request the Commissioner to review a public body's decision to refuse to release records on the basis of solicitor-client privilege.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #26: If the Commissioner recommends release of solicitor-client privileged records the public body must, within 10 business days, either release the information or apply to a judge in the Trial Division for a declaration that the public body is not required, by law, to provide the record.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #27: Provisions requiring that the application to the Trial Division for a declaration be heard by use of the most expeditious summary procedures available in the Trial Division.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #28: Public bodies cannot impose any conditions on access to solicitor-client privileged records by the Office of the Information and Privacy Commissioner, unless there is a reasonable basis for concern about the security of the records, in which case the public body can require the Office of the Information and Privacy Commissioner to view the records at a site specified by the public body	Complete upon Royal Assent (June 1, 2015)	
Recommendation #29: Prohibit disclosure by a public body of information that is subject to solicitor-client privilege of a person that is not a public body.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #30: The section related to business interests of a third party revert to the three part harm test that existed prior to the Bill 29 amendments.	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #31: The section related to third party notification revert to pre-Bill 29 requirement to notify if the public body intends to disclose information rather than if they are considering whether the section applies related to disclosure harmful to business interests of a third party .</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #32: All items listed in section 5(1) of ATIPPA will remain on a list of items to which the Act does not apply.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #33: Add an additional category of information to which ATIPPA does not apply - a record relating to an investigation by the Royal Newfoundland Constabulary in which suspicion of guilt of an identified person is expressed but no charge was ever laid, or relating to prosecutorial consideration of that investigation.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #34: The Commissioner cannot review the following records which fall outside the scope of the Act: Court records; records of a person acting in a judicial or quasi-judicial capacity; prosecution records if all proceeding are incomplete; Royal Newfoundland Constabulary investigation records where investigation is incomplete; and records relating to a Royal Newfoundland Constabulary confidential source of information.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #35: The Commissioner can review the following records which fall outside the scope of the Act to determine whether these records are properly claimed to be exempt from the Act:</p> <ul style="list-style-type: none"> • Personal or constituency records of a member of the House of Assembly • Records of a registered political party or caucus; • Personal or constituency record of a minister; • Question to be used on an examination or test; and • Materials placed in provincial or public body archives by or for a person, agency or organization other than a public body. 	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #36: The Commissioner be given additional authority to enter offices of a public body to access and review records that fall outside the scope of the Act listed under recommendation 35, but not records listed under recommendation 34.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
Recommendation #37: Remove six legislative provisions that prevail over ATIPPA (subsections from the <i>Aquaculture Act and Regulations; Lobbyist Registration Act; Mining Act; Royalty Regulations, 2003; and Revenue Administration Act</i>).	Complete upon Royal Assent (June 1, 2015)	
Recommendation #38: All legislative provisions other than the six listed in recommendation 37 continue to prevail over ATIPPA.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #39: List of legislative provisions that prevail over ATIPPA be listed in a schedule to the Act rather than in the regulations.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #40: Add a provision requiring production records or right of entry to the Commissioner relating to exceptions of disclosure claimed under a provision of another Act that prevails over ATIPPA.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #41: Add provision requiring that every five-year review of the legislation include requirement to review legislative provisions that prevail over ATIPPA to determine the necessity for continued inclusion on the list.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #42: Add section allowing Lieutenant-Governor in Council (when the House of Assembly is not in session) to add a legislative provision to the list of provisions that prevail over ATIPPA. However, this cannot continue in force beyond the end of the next sitting of the House of Assembly.	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #43: Removal of 4 circumstances under which the Lieutenant-Governor can make regulations:</p> <ul style="list-style-type: none"> • Setting standards including time limits in fulfilling duty to assist applicants; • Establishing a schedule of public bodies subject to the Act; • Designating a provision of an Act or Regulation to prevail over ATIPPA; and • Defining “personal health information” 	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #44:</p> <ul style="list-style-type: none"> Consider placing a bill before House of Assembly to amend s.5.4(1) of the <i>Energy Corporation Act</i>; and s.21 of the <i>Research and Development Council Act</i> to include the phrase “taking into account sound and fair business practices” immediately before the words “reasonably believes” in each of those sections. More information relating to justification for s.8.1 of the <i>Evidence Act</i>; s.5(1) of the <i>Fish Inspection Act</i>; s.4 of the <i>Fisheries Act</i>; and s.13 of the <i>Statistics Agency Act</i> be provided to the next Review Committee for any of those provisions that still prevail over ATIPPA. 	Substantially Complete	<p><i>Energy Corporation Act</i> and <i>Research and Development Council Act</i> have been amended.</p> <p>The second recommendation is part of the next statutory review.</p>
<p>Recommendation #45: Add a provision to require reasonable effort to notify third party of impending release of their personal information</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #47: Expand the method by which an individual can be informed of a public body’s decision to release information for health or safety reasons</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #48: Report all privacy breaches to the Commissioner; and notify affected individuals where there is risk of significant harm</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #49: Include indemnity clause for Members of the House of Assembly acting in good faith on behalf of a constituent</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #50: Remove the firm provision allowing for the release of personal information 20 years after an individual’s death; and impose a harms test.</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #51: Return to the pre-Bill 29 requirement to release the “remuneration” of civil servants as opposed to “salary range” (with remuneration meaning salary and benefits)</p>	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #54: Commissioner recommendation power maintained; however de facto order power relating to public body refusal to disclose – a public body must either accept Commissioner recommendations or seek a Court declaration confirming its decision. Commissioner has expanded powers with respect to Cabinet records, fee and timelines and consideration of frivolous and vexatious requests.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #55: Powers of the Office of the Information and Privacy Commissioner be increased to reflect proposals discussed elsewhere in report</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #57: Extensions of time and decisions to disregard a request must receive prior approval of the Office of the Information and Privacy Commissioner (OIPC), resulting in:</p> <ul style="list-style-type: none"> • Public bodies no longer being able to extend time limits unilaterally; • Extensions based on convincing evidence and time approved by the OIPC; • Applicant advised of extension and the reason for it without delay; and • Requiring public bodies to seek prior approval from the OIPC to disregard a request within five business days. 	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #58: Strengthen and clarify the advocacy role of the Office of the Information and Privacy Commissioner respecting the prioritization of access/protection for requesters (conduct investigation on their own initiative and review compliance with ATIPPA and regulations)</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #59: House of Assembly Appointment (and reappointment) procedure for the Commissioner involving majority votes by all parties.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #60: Timeline of appointment of Commissioner six years with one reappointment.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
Recommendation #61: Commissioner have the status of a Deputy Minister	Complete upon Royal Assent (June 1, 2015)	
Recommendation #62: Commissioner be paid 75% of provincial court Judge salary and, apart from pension, additional benefits as provided to a Deputy Minister	Complete upon Royal Assent (June 1, 2015)	
Recommendation #63: Commissioner who is not subject to public pensions act prior to appointment be paid contribution to registered retirement savings plan equivalent to an amount under the public pension plan.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #64: In relation to access, the Commissioner has additional role of promoting and advocating efficient and timely responses to requested information and citizens' complaints or requests for assistance.	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #65: In relation to privacy, the Commissioner has additional role of:</p> <ul style="list-style-type: none"> • reviewing and authorizing additional sources for collection of information; • ability to review privacy complaints made by or on behalf of an individual, with their consent, or if the Commissioner deems it appropriate; • ability to recommend that a public body destroy information or stop collecting, using or disclosing personal information; • duty to review privacy impact assessments developed by a department of government for any new common or integrated program or service; • requirement for all public bodies to report privacy breaches; • having broad powers to investigate on his own initiative. 	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #66: In relation to general role, the Commissioner can:</p> <ul style="list-style-type: none"> • Have a banking system to deal with circumstances where an individual continues to file complaints while that person has more than 5 complaints outstanding; • Educate the public; • Engage in or commission research; • Auditing the practices of public bodies; • Government must consult Commissioner when introducing a new Bill to obtain advice on whether there are any implications for access or privacy; • Make special reports at any time on any matters affecting the operations of ATIPPA 	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #67: The ATIPPA annual report submitted by the Minister responsible for the Office of Public Engagement can include information relating to systematic and other issues raised in the Commissioner’s annual report</p>	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #69: Committee recommends in relation to:</p> <ul style="list-style-type: none"> • Processing requests – public body respond to a request within 20 business day or longer if the Office of the Information and Privacy Commissioner approves; • Making a complaint to the Commissioner – must be made within 15 business days of when public body notified applicant or third party of decision; Commissioner must notify relevant parties or review within 10 business days; Commissioner must complete informal review within 30 business days; Commissioner must complete formal investigation with 65 business days of when request for review/complaint was received; Public body must decide whether to follow recommendations or go to Trial division within ten business days of receiving recommendations; and • Appeals to the Trial Division – Are provided expedited trial. 	Complete upon Royal Assent (June 1, 2015)	
<p>Recommendation #70: Specifies sequence of actions and timelines relating to ATIPP requests, reviews by the Commissioner and appeals to the Trial Division.</p>	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #72: The standard referenced in recommendation 71 should be enacted in the <i>Municipalities Act, 1999</i>, and <i>ATIPPA</i> be amended to add that provision to the legislative provisions that prevail over <i>ATIPPA</i>.</p>	<p>In Progress</p>	<p>Municipal Affairs, in consultation with Justice and Public Safety, is reviewing all relevant municipal Acts for applicability of the proposed standard including examining the original intent of s.215 with respect to disclosure and ensuring the standard is consistent with that intent.</p>
<p>Recommendation #73: Definition of public body be expanded to include municipally owned and directed corporations.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p> <p>Came into effect on August 1, 2015</p>	<p>ATIPPA, 2015 expands the definition of public body to include certain entities in the municipal sector created by or for municipalities. Unlike the remainder of the Act, this provision came into effect on August 1, 2015 to provide municipalities with a chance to identify such entities and, with Office of Public Engagement advice, prepare them for their obligations under the Act.</p>

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
Recommendation #78: Respecting the use of personal information by post-secondary educational bodies for fundraising purposes – ATIPPA be amended by removing the requirement to publish in a newspaper notice of the right to opt out.	Complete upon Royal Assent (June 1, 2015)	
Recommendation #79: The Government take the necessary steps to impose a duty to document, and that the proper legislation to express that duty would be the Management of Information Act, not ATIPPA	In Progress	Broad research and consultation was needed prior to implementing this initiative. This work is not yet complete.
Recommendation #82: ATIPPA be amended to: <ul style="list-style-type: none"> • Include datasets and other machine readable records in the definition of “records”; • Disclosure of datasets and other machine readable records be subject only to the limitations applied to all other records; • datasets be made available in re-usable format and the applicant consulted on format 	Complete upon Royal Assent (June 1, 2015)	
Recommendation #84: Revise ATIPPA to give the Commissioner a leading role in overseeing the publication of information held by public bodies - responsible for creating a standard template for the publication of information and give each public body the obligation of adapting the template to its functions and publishing its own information and to monitor said publication	Complete upon Royal Assent (June 1, 2015)	
Recommendation #85: A new regulation making power be added to ATIPPA to enable Cabinet to prescribe which public bodies are required to publish a publication scheme	Complete upon Royal Assent (June 1, 2015)	
Recommendation #86: Change to workplace investigation stating that “all relevant information created or gathered for the purpose of a workplace investigation” be withheld rather than “information that would reveal the substance of records collected or made during a workplace investigation.”	Complete upon Royal Assent (June 1, 2015)	

RECOMMENDATIONS	IMPLEMENTATION	COMMENTARY
<p>Recommendation #87: Where the head of a public body is in possession of records of a statutory office, the exception to disclosure that applies to statutory office records be applied</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	
<p>Recommendation #88: Amend ATIPPA to include an offence provision that reflects the Commissioner's recommendation.</p>	<p>Complete upon Royal Assent (June 1, 2015)</p>	

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