



# 2014-15 Annual Report

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

Office of Public Engagement



Photo courtesy of Kip Bonnell



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*"This past year has seen some tremendous changes for access and privacy in our province with the completion of the statutory review of the Access to Information and Protection of Privacy Act. The review committee provided this province with a framework unique to Newfoundland and Labrador that will see this province become a leader in access and privacy legislation."*

Minister Kent

# 2014-15 Annual Report

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

## Message from the Minister

As the Minister responsible for Newfoundland and Labrador's Access to Information and Protection of Privacy (ATIPP) Act, 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.

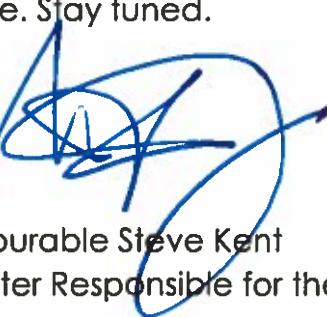
This fiscal year has seen more access to information requests than any other year. Public bodies across Newfoundland and Labrador received 757 requests for access to information, an increase of 37 per cent from last year. It has also seen the continued improvement in meeting legislated timelines for completing requests, due in a large part to the hard work and dedication of ATIPP Coordinators across the province.

However, this year's biggest story has been the Statutory Review of the ATIPP Act. The review was put forward in early March by an independent three-member committee, including former premier Clyde Wells; former Privacy Commissioner of Canada Jennifer Stoddart, and journalist Doug Letto. The

committee presented 90 recommendations including draft legislation.

Upon receiving the report in March, the Government of Newfoundland and Labrador committed to fully implementing its recommendations. Within weeks of receiving the report, we eliminated the \$5 application fee for access to information requests; substantially decreased other fees associated with making a request; directed all government departments to report all privacy breaches to the ATIPP Office and to the Office of the Information and Privacy Commission; and we immediately began briefing government departments and ATIPP Coordinators on the recommendations and the coming changes. Given what was achieved in just one month at the end of this year, we look forward to showing you what we will accomplish in the coming year.

We are ambitious. We want to be a global leader in access and privacy, and are well on our way to achieving this goal. The Centre for Law and Democracy, which ranks provinces and countries on their access to information laws, has said that implementing the report will make us the leading province in Canada, and a leader in the world. The reforms that began in the 2014-15 fiscal year will continue throughout the next year, and coincide with our Open Government Initiative, which is seeing more information proactively disclosed than ever before. We encourage you to review the ATIPPA Review Committee's Report, and our Open Government Framework as an indication of where we are going and the good things to come. Stay tuned.



Honourable Steve Kent  
Minister Responsible for the Office of Public Engagement

## Overview

The *Access to Information and Protection of Privacy Act* (the "Act"), which was proclaimed in January 2005, 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 2014-15 fiscal year, the independent ATIPPA Review Committee completed their legislated review of the Act, and submitted their Report to the Provincial Government on March 2, 2015. The report consists of 90 recommendations to improve the Act and policies to strengthen access to information and protection of privacy in Newfoundland and Labrador. The Government of Newfoundland and Labrador committed to implementing each of the 90 recommendations and amending the legislation on June 1, 2015. While the legislation will not be amended until the next fiscal year, Government has commenced the implementation of some key recommendations, including the revisions of the cost schedule on March 9, 2015 and is requiring government departments to report all privacy breaches to the Office of the Information and Privacy Commissioner.

Under the Act, individuals can access two types of information: 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/info/accessrequestform.html>

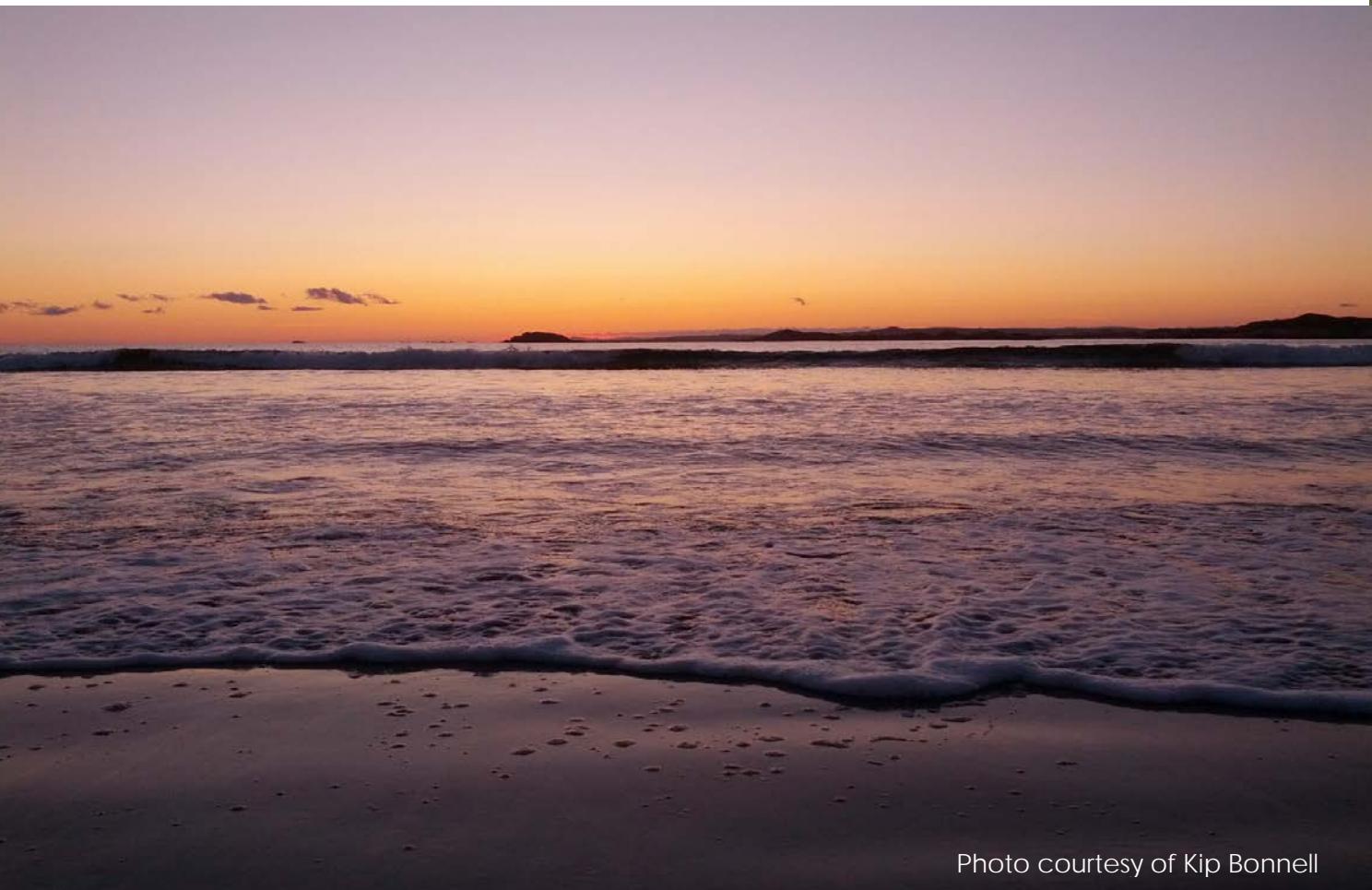


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Photo courtesy of Kip Bonnell

## Highlights of 2014-15

In August 2014, the ATIPP Office (a division of the Office of Public Engagement) presented a written submission on behalf of the Government of Newfoundland and Labrador to the ATIPPA Review Committee. Officials from the Office of Public Engagement as well as other government officials appeared before the committee to provide an overview of the submission and answers questions

from the committee members. The submission to the committee, as well as the webcast of the in-person presentation and transcripts of the presentation can be found at: <http://parcnl.ca/>.

In March 2015, the Government of Newfoundland and Labrador received the two volume Report of the 2014 Statutory Review completed by the Review Committee on the Access to *Information and Protection of Privacy* Act. Following receipt of the report, the Provincial Government publicly released the report and announced that it will implement all the recommendations made by the committee. The two volume report can be found on the ATIPP Office website at:

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

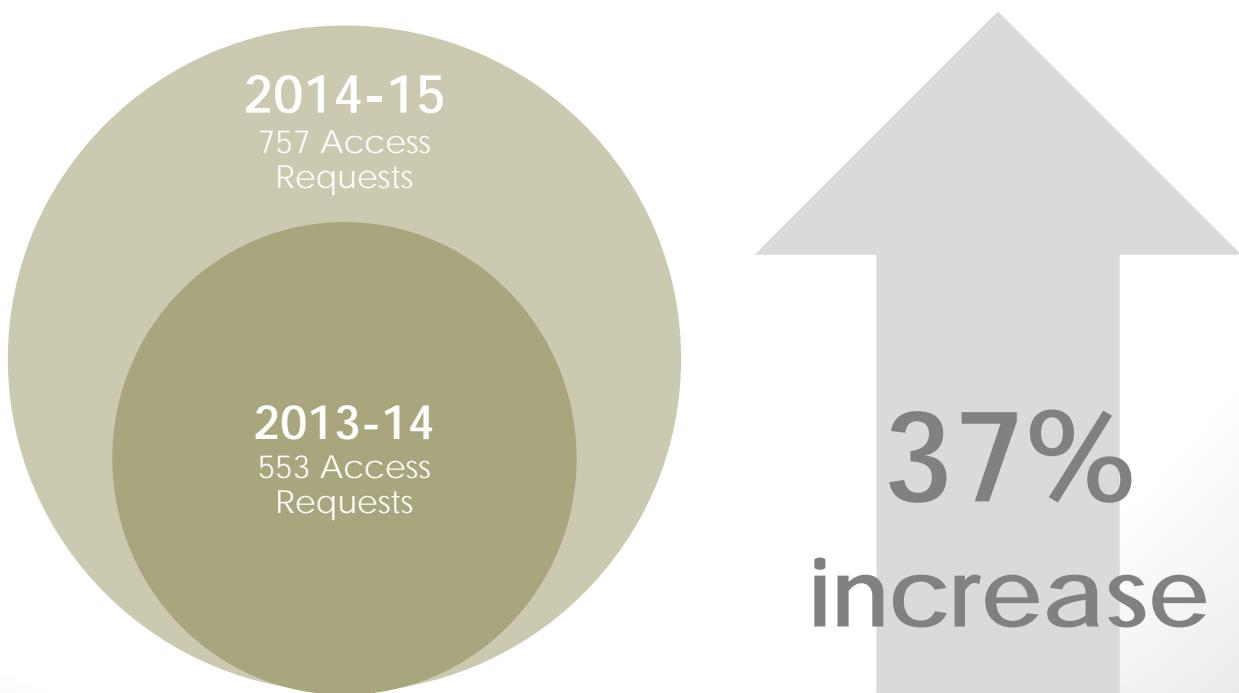
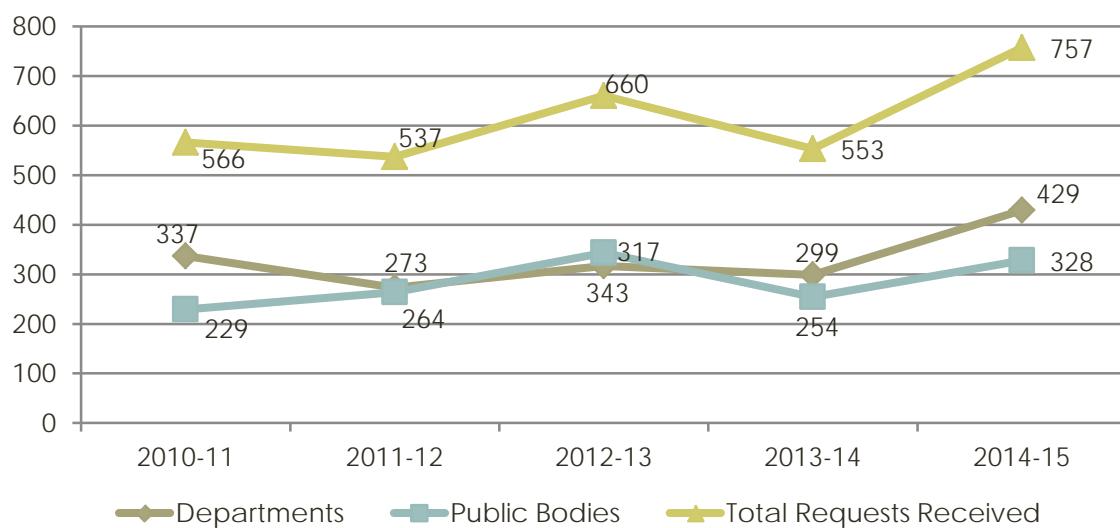
In advance of changes to the Act, the Provincial Government implemented a number of recommendations including eliminating the \$5 application fee for access to information requests, amending the fee schedule which provides for increased free time for access to information requests and directing all government departments to report all privacy breaches to the Office of the Information and Privacy Commissioner as well as the Office of Public Engagement.

# Report on Performance

## Overall Increase in Requests

In the 2014-15 fiscal year, a total of 757 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 five-year period (2010-11 to 2014-15); however, this is a 37 per cent increase from the previous fiscal year when 553 requests were received.

**Figure 1 – Number of Access Requests by Fiscal Year**



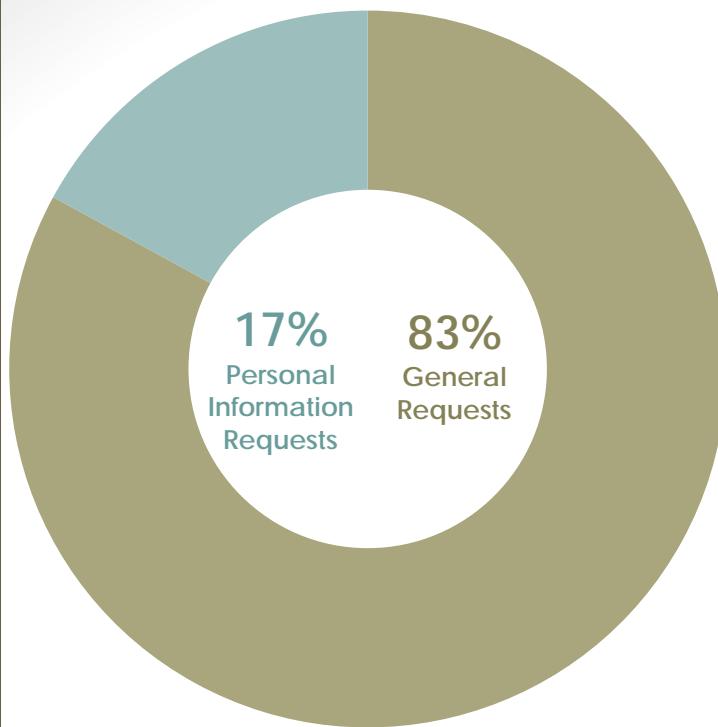
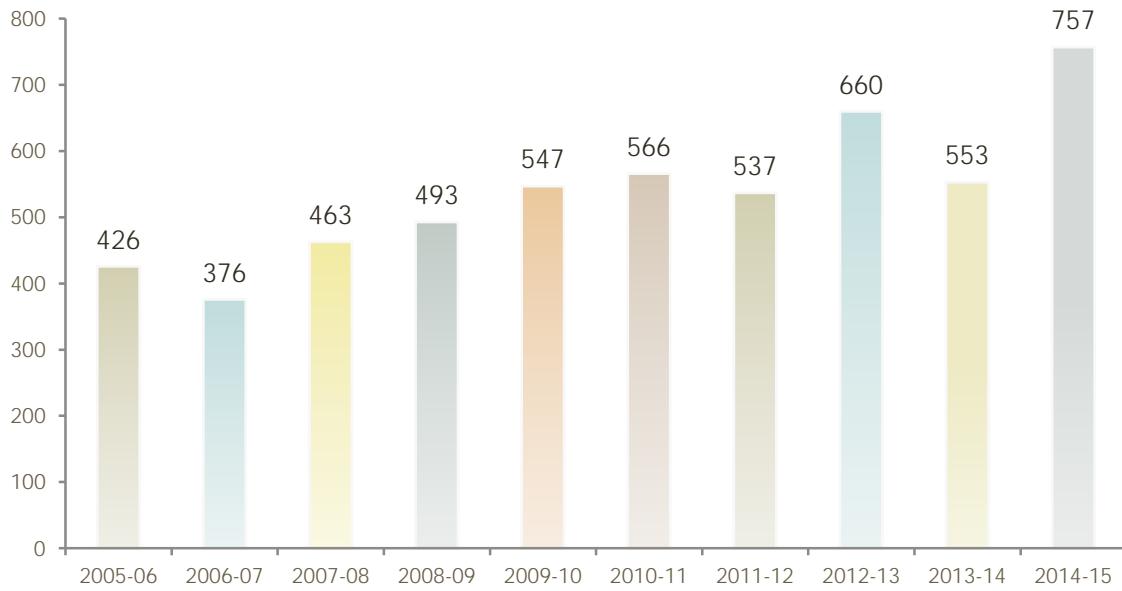


Figure 2 – Number of Access Requests Over 10-Year Period



During 2014-15, general requests represented the majority of access to information requests received by all public bodies.

A look at the last ten years since the Act came into force shows an overall increase in the number of access requests received by departments and public bodies, with 2014-15 seeing the highest number of requests received with 757 requests as compared with 2005-06 where 426 requests were received (Figure 2).

Of the 757 requests received in 2014-15, the Government of Newfoundland and Labrador received 429 (57 per cent) requests, while other public bodies received 328 (43 per cent) requests. Of the requests made to government departments, 41 (ten per cent) were for personal information – people asking for their own information. The remaining 388 (90 per cent) were general requests for records relating to government activities and programs.

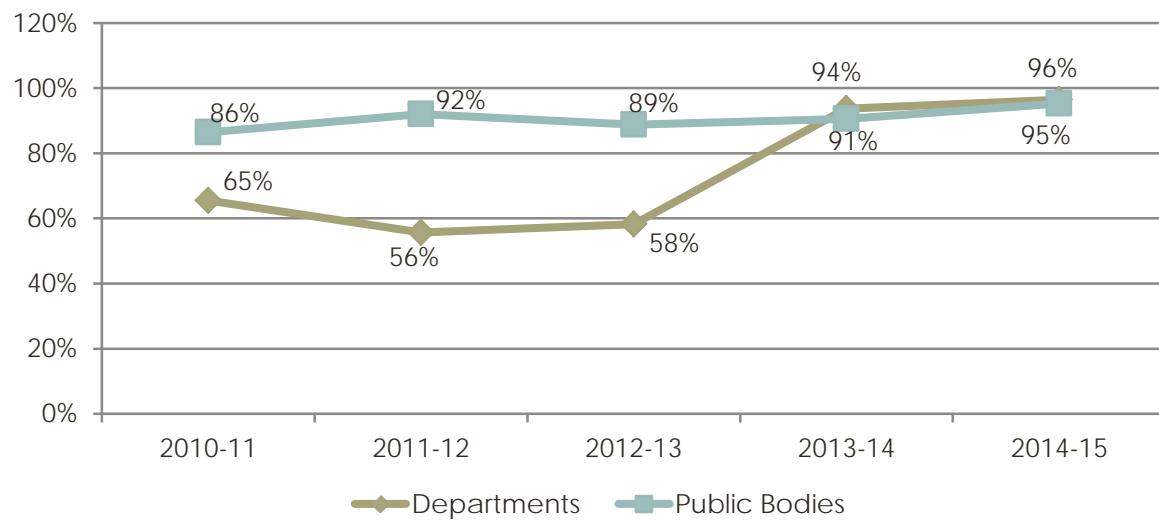
## Improving Response Times to Access Requests

During the 2014-15 fiscal year:

- departments responded to 96 per cent of general requests and 95 per cent of personal information requests within the legislated timelines; and
- public bodies responded to 93 per cent of general requests and 100 per cent of personal information requests within the legislated timelines.

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

**Figure 3 – On-Time Response Timelines (2010-11 to 2014-15)**

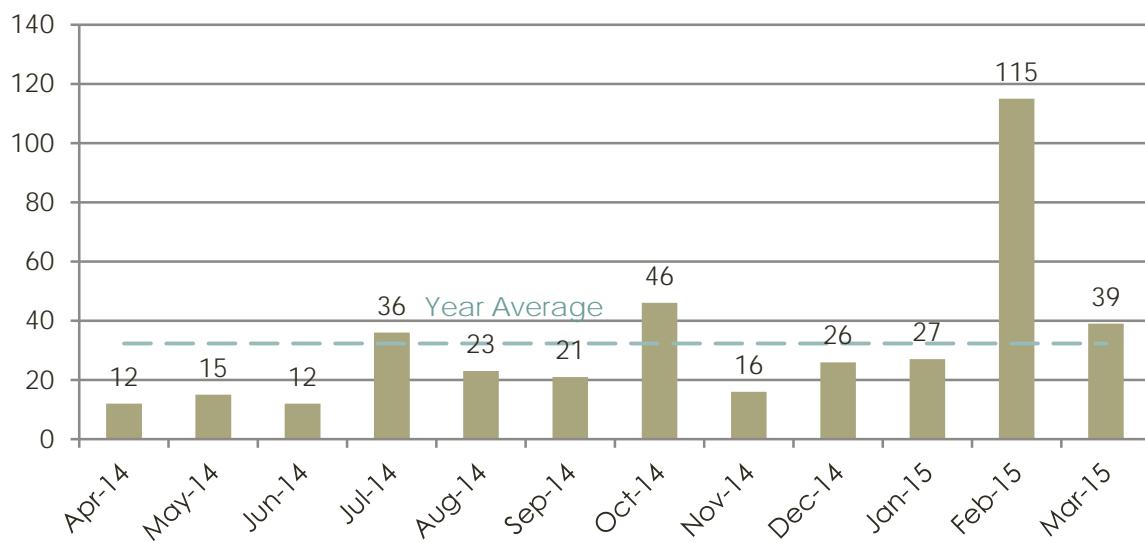


Of the 757 access requests received by departments and public bodies, 96% were responded to within the legislated timelines.

## General Requests Received Monthly for 2014-15

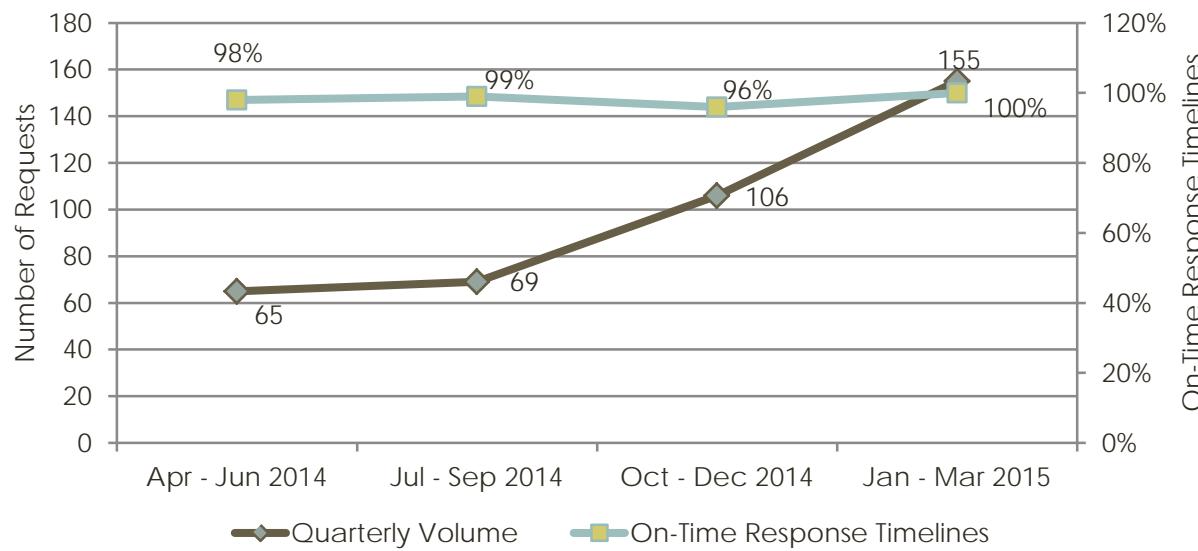
2014-15 was notable for an increase in the total number of ATIPP requests received by government departments. Government also experienced an unprecedented spike in the volume of requests in February 2015. Throughout 2014-15, the number of general requests received by government departments each month saw an overall increase, with an average number of 32 requests received per month which is an increase from the monthly average in 2013-14 of 23 requests per month.

**Figure 4 – General Requests Received Monthly for 2014-15**



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

**Figure 5 – General Requests Quarterly Volume and Response Time for 2014-15**

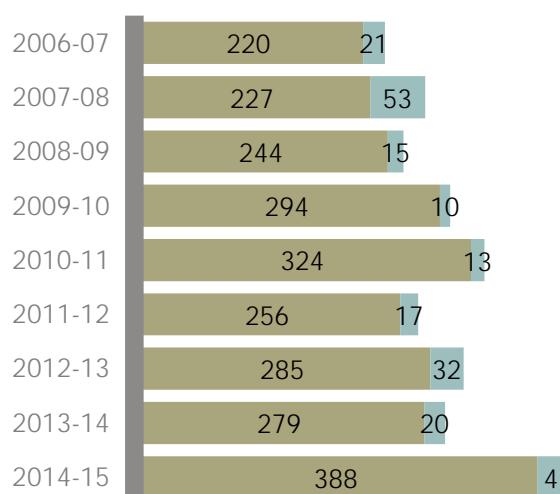


\*Statistics provided in Figure 5 are requests received by government departments.

## Providing Access

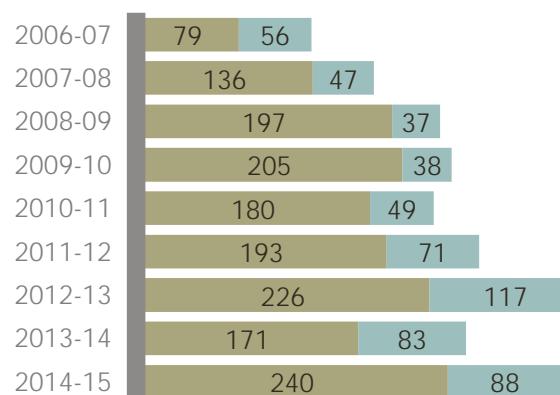
Year over year, the majority of requests received by all public bodies (departments and public bodies) have been requests for general information since 2005. In 2014-15, individuals seeking their own personal information submitted approximately 10 per cent of the requests received by government departments. Requests from individuals seeking general information from departments represented the other 90 per cent of requests.

## Requests to Departments



■ General Information ■ Personal Information

## Requests to Public Bodies

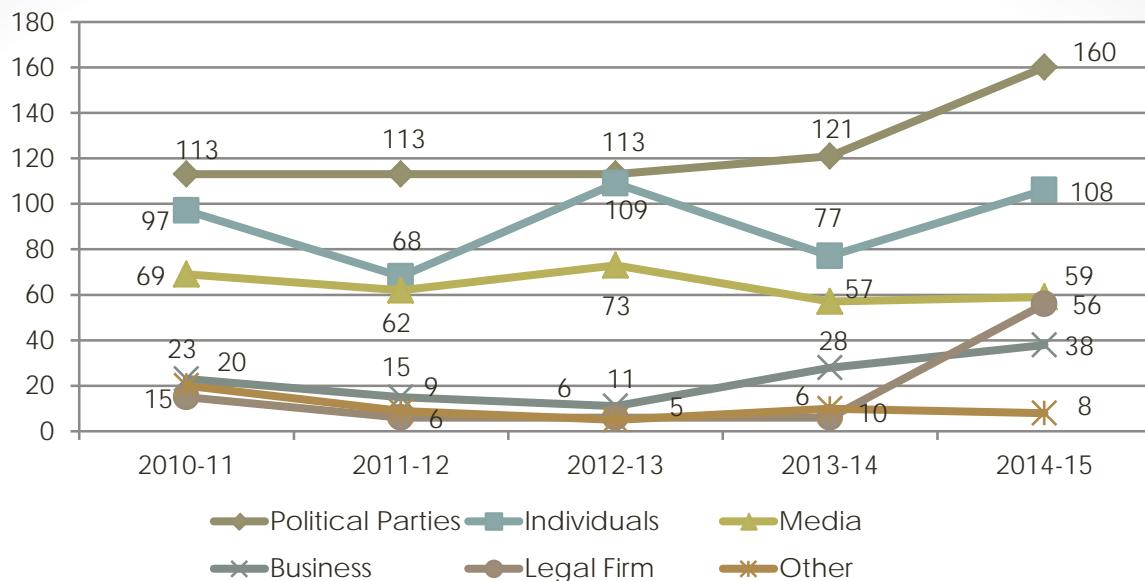


■ General Information ■ Personal Information

## 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.

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 political parties has increased this fiscal year while the number of requests made by media and individuals is similar to last year.

**Figure 6 – Requests by Applicant Type**

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

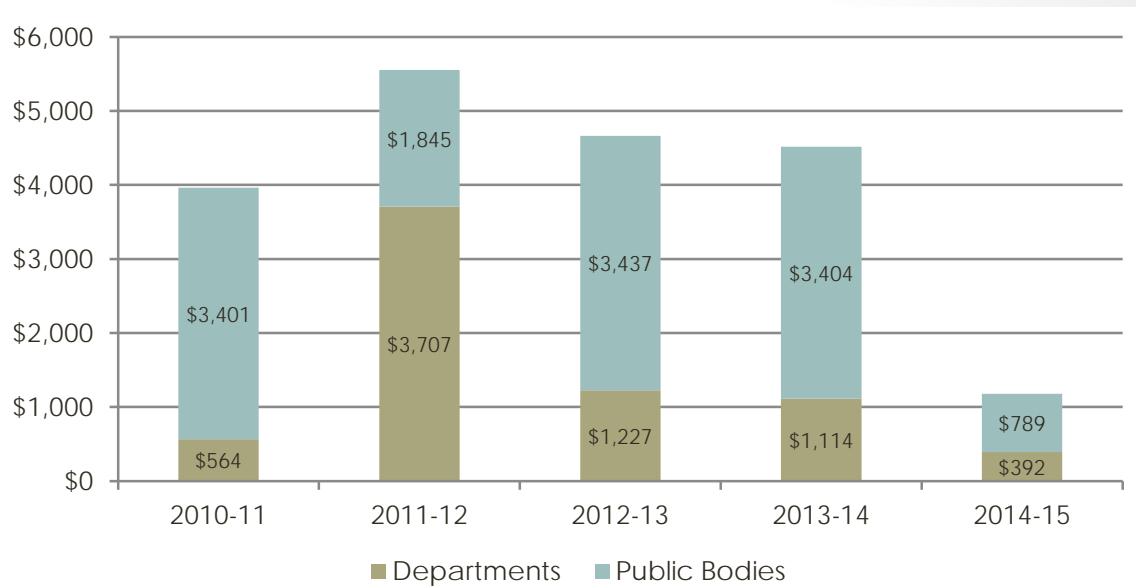
#### Processing Fees Paid for Access Requests

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

Of the 388 general requests received by departments in 2014-15, one per cent resulted in fees being paid and for public bodies, of the 240 general requests received, nine per cent resulted in fees being paid.

Figure 7 shows the change in processing fees paid by applicants from 2010-11 to 2014-15.

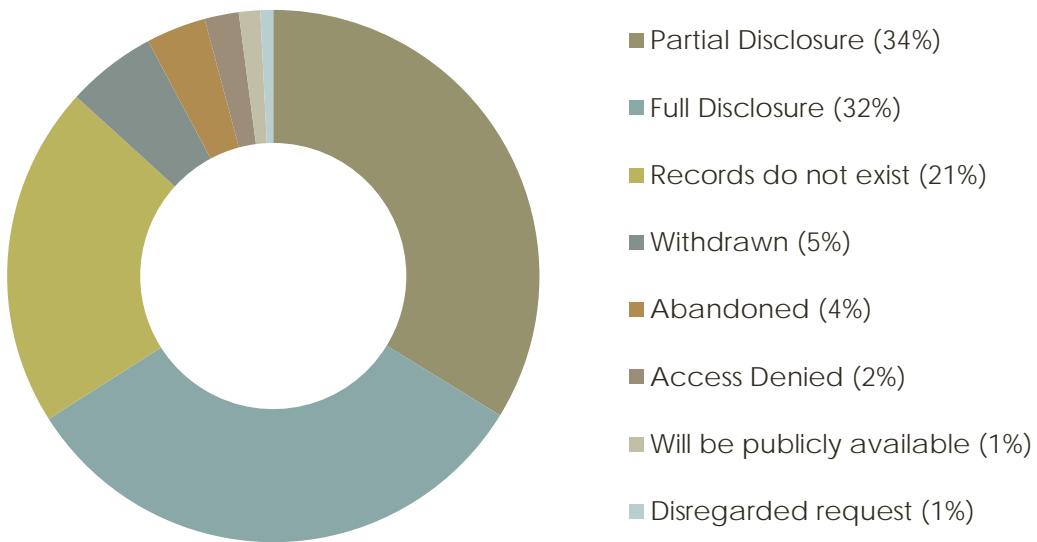
In March 2015, the Fee Schedule was amended as a result of the recommendations received by the ATIPPA Statutory Review Committee which saw the elimination of the \$5 application fee as well as an increase in the free time for requests and a reduction in the activities for which a fee can be charged.

**Figure 7 – Processing Fees Paid**

### Outcomes of Requests

Over the past five years, the percentage of departmental requests resulting in full disclosure has increased from 26 per cent in 2010-11 to 34 per cent in 2014-15, an increase of 31 per cent. In addition, the number of requests resulting in access denied has decreased from six per cent in 2010-11 to two per cent in 2014-15, a decrease of 200 per cent.

Figure 8 shows the final outcome for departmental general access requests in 2014-15. The majority resulted in full disclosure (32 per cent) or partial disclosure (34 per cent), with two per cent denied.

**Figure 8 – 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 2014-15, with 65 per cent from departments and the remaining from agencies, board, commissions, municipalities and the general public.



Photo courtesy of Kip Bonnell

## Annex A - Detailed Statistical Report

During 2014-15, departments and public bodies received a total of 757 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, 2014 to March 31, 2015)**

Request Type	Total	%
General Requests to a Government Department	388	51%
General Requests to a Public Body	240	32%
Personal Information Requests to a Government Department	41	5%
Personal Information Requests to a Public Body	88	12%
<b>TOTAL</b>	<b>757</b>	<b>100%</b>

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 2014-15 fiscal year:

The Department of Innovation, Business and Rural Development and the Department of Tourism, Culture and Recreation are listed as the Department of Business, Tourism, Culture and Rural Development.

### 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 2014-15 fiscal year, a total of 628 general requests were received by government departments and public bodies. Of these, departments received 388 (62 per cent) and public bodies 240 (38 per cent).

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

DEPARTMENT	Political Party	Individual	Media	Legal Firm	Business	Researcher	Interest Group	Public Body	TOTAL
Advanced Education and Skills	11	2	0	0	0	0	0	0	13
Business, Tourism, Culture and Rural Development	7	14	0	1	0	2	0	0	24
Child, Youth and Family Services	5	0	5	0	0	0	0	0	10
Education and Early Childhood Development	6	0	0	1	0	0	0	0	7
Environment and Conservation	5	7	6	3	19	0	0	0	40
Executive Council (Cabinet Secretariat)	11	1	1	1	0	0	0	0	14
Human Resources Secretariat	1	0	2	0	0	0	0	0	3
Office of the Chief Information Officer	0	2	0	0	0	0	0	0	2
Office of Public Engagement	2	1	5	0	0	0	0	0	8
Premier's Office	5	1	5	1	0	0	0	0	12
Labrador and Aboriginal Affairs Office	0	8	2	0	0	0	0	0	10
Women's Policy Office	1	0	0	0	0	0	0	0	1
Finance	12	0	2	0	1	0	0	0	15
Fisheries and Aquaculture	18	1	2	34	0	0	0	0	55
Health and Community Services	35	6	4	4	0	1	0	0	50
Justice and Public Safety	11	2	5	0	0	2	0	0	20
Municipal and Intergovernmental Affairs	5	12	2	3	1	0	0	1	24
Natural Resources	7	7	5	1	5	0	0	0	25
Service NL	5	7	3	1	9	0	0	0	25
Seniors, Wellness and Social Development	1	1	0	0	0	0	0	0	2
Transportation and Works	12	2	10	1	2	0	1	0	28
<b>Total by Applicant Type</b>	<b>160</b>	<b>74</b>	<b>59</b>	<b>51</b>	<b>37</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>388</b>
<b>Percentage %</b>	<b>41%</b>	<b>19%</b>	<b>15%</b>	<b>13%</b>	<b>10%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>99%</b>

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

Table 2b – General Requests by Public Body and Applicant Type (April 1, 2014 to March 31, 2015)

DEPARTMENT	Individual	Political Party	Business	Media	Legal Firm	Public Body	Interest Group	Researcher	TOTAL
ATIPPA Review Committee	0	0	0	1	0	0	0	0	1
Central Health	0	3	1	2	0	0	0	0	6
Centre for Health Information	0	1	0	0	0	0	0	0	1
City of Corner Brook	0	0	1	0	0	0	1	0	2
City of St. John's	27	0	2	0	1	0	0	1	31
College of the North Atlantic	1	0	0	0	0	0	0	0	1
Commissioner of Lobbyists	1	0	0	0	0	0	0	0	1
Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador	1	1	0	0	0	0	0	0	2
Eastern Health	2	12	2	9	3	0	1	0	29
Fire and Emergency Services	7	0	0	0	1	1	0	0	9
Forestry and Agrifoods Agency	2	0	0	0	0	0	0	0	2
Government Purchasing Agency	1	0	4	0	0	0	0	0	5
Labour Relations Agency	0	0	0	3	1	0	0	0	4
Labrador-Grenfell Health	0	1	0	2	1	0	0	0	4
Memorial University	5	0	4	2	0	0	1	1	13
Nalcor	1	2	0	3	0	0	0	0	6
NL English School District	1	6	0	2	0	0	0	0	9
NL Housing Corporation	1	0	0	0	0	0	0	0	1
NL Liquor Corporation	0	2	0	0	0	1	0	0	3
Provincial Information and Library Resources Board	0	1	0	0	0	0	0	0	1
Research and Development Corporation	0	0	0	0	1	0	0	0	1
Royal Newfoundland Constabulary	22	2	5	0	2	7	0	0	38
Town of Aquaforte	1	0	0	0	0	0	0	0	1
Town of Bay Bulls	1	0	0	0	0	0	0	0	1
Town of Bay Roberts	2	0	0	0	0	0	0	0	2
Town of Conception Bay South	13	0	3	0	1	0	0	0	17
Town of Deer Lake	0	0	0	0	1	0	0	0	1
Town of Flatrock	5	0	0	0	0	0	0	0	5
Town of Glenwood	1	0	0	0	0	0	0	0	1
Town of Irishtown-Summerside	0	0	0	1	0	0	0	0	1
Town of Marystown	0	0	1	0	0	0	0	0	1

DEPARTMENT	Individual	Political Party	Business	Media	Legal Firm	Public Body	Interest Group	Researcher	TOTAL
Town of Paradise	4	0	0	0	1	0	0	0	5
Town of Portugal Cove-St. Philip's	6	0	1	0	0	0	0	0	7
Town of St. George's	2	0	0	0	0	0	0	0	2
Town of Stephenville	7	0	4	0	0	0	0	0	11
Town of Torbay	2	0	0	0	0	0	0	0	2
Town of Witless Bay	0	0	1	0	0	0	0	0	1
Western Health	2	1	1	3	0	0	0	0	7
Workplace, Health, Safety and Compensation Commission	1	0	0	0	0	0	1	0	2
Workplace, Health, Safety and Compensation Review Division	0	2	0	0	0	0	0	0	2
<b>Total by Applicant Type</b>	<b>119</b>	<b>34</b>	<b>30</b>	<b>28</b>	<b>13</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>239*</b>
<b>Percentage %</b>	<b>50%</b>	<b>14%</b>	<b>13%</b>	<b>12%</b>	<b>5%</b>	<b>4%</b>	<b>2%</b>	<b>1%</b>	<b>101%</b>

\*At the time of this report the type of applicant for one general information request for Memorial University had not been recorded by the ATIPP Office.

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, 2014 to March 31, 2015)

Applicant Type	Department	Public Body	Total	Percentage
Political Party	160	34	194	31%
Individual	74	119	193	31%
Media	59	28	87	14%
Business	37	30	67	11%
Legal Firm	51	13	64	10%
Other Public Body	1	9	10	2%
Researcher	5	2	7	1%
Interest Group	1	4	5	1%
<b>Total</b>	<b>388</b>	<b>239*</b>	<b>627*</b>	<b>101%</b>

\*At the time of this report the type of applicant for one general information request for Memorial University had not been recorded by the ATIPP Office.

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 B). While the current Cost Schedule does not include application fees and has decreased costs, the previous schedule which was in place for most of 2014-15 outlined fees to be charged for general requests, including 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 2014-15, application fees received by government departments and public bodies for general requests totaled \$2,680.

#### **b) Processing Fees**

The following table represents a breakdown of the \$1,181.25 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	\$113.75	Eastern Health	\$100.00
Municipal and Intergovernmental Affairs	\$150.00	Memorial University	\$100.00
Natural Resources	\$87.50	Town of Conception Bay South	\$33.25
Service NL	\$41.00	Town of Deer Lake	\$375.00
		Town of Stephenville	\$180.75
<b>Total</b>	<b>\$392.25</b>	<b>Total</b>	<b>\$ 789.00</b>



## 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, 2014 to March 31, 2015)

OUTCOME BY DEPARTMENT	Partial Disclosure	Full Disclosure	Do not Exist	Withdrawn	Abandoned	Access Denied	Publicly Available	Disregarded	Neither confirm /deny	TOTAL
Advanced Education and Skills	3	8	1	0	0	0	1	0	0	13
Business, Tourism, Culture and Rural Development	9	5	2	2	2	0	0	3	0	23
Child, Youth and Family Services	7	2	0	0	0	1	0	0	0	10
Education and Early Childhood Education	4	3	0	0	0	0	0	0	0	7
Environment and Conservation	20	9	6	2	3	0	0	0	0	40
Executive Council (Cabinet Secretariat)	5	4	3	0	0	2	0	0	0	14
Human Resources Secretariat	0	3	0	0	0	0	0	0	0	3
Office of the Chief Information Officer	1	0	1	0	0	0	0	0	0	2
Office of Public Engagement	6	0	1	1	0	0	0	0	0	8
Premier's Office	5	4	3	0	0	0	0	0	0	12
Labrador and Aboriginal Affairs Office	4	0	3	3	0	0	0	0	0	10
Women's Policy Office	1	0	0	0	0	0	0	0	0	1
Finance	1	8	2	1	2	0	1	0	0	15
Fisheries and Aquaculture	4	9	35	4	2	0	1	0	0	55
Health and Community Services	11	24	7	5	1	1	1	0	0	50
Justice and Public Safety	9	8	1	0	0	2	0	0	0	20
Municipal and Intergovernmental Affairs	6	11	6	0	0	0	0	0	1	24
Natural Resources	13	5	3	2	1	0	1	0	0	25
Service NL	14	5	3	0	2	0	1	0	0	25
Seniors, Wellness and Social Development	1	1	0	0	0	0	0	0	0	2
Transportation and Works	6	15	3	1	1	2	0	0	0	28
<b>Total</b>	<b>130</b>	<b>124</b>	<b>80</b>	<b>21</b>	<b>14</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>387*</b>
<b>Percentage %</b>	<b>34%</b>	<b>32%</b>	<b>21%</b>	<b>5%</b>	<b>4%</b>	<b>2%</b>	<b>2%</b>	<b>1%</b>	<b>0%</b>	<b>101%</b>

\*At the time of this report one general request for Business, Tourism, Culture and Rural Development was incomplete

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

Of the 387 general requests responded to by departments, 254 (66 per cent) resulted in full or partial disclosure, 80 (21 per cent) were for records that did not exist and access was denied in eight (two per cent) requests.

Table 5b - Final Outcome of General Requests by Public Bodies (April 1, 2014 to March 31, 2015)

OUTCOME BY PUBLIC BODY	Full Disclosure	Partial Disclosure	Do not Exist	Access Denied	Abandoned	Withdrawn	Publicly Available	Neither confirm /deny	TOTAL
Town of Marystow	1	0	0	0	0	0	0	0	1
Town of Paradise	1	2	1	0	1	0	0	0	5
Town of Portugal Cove-St. Philip's	4	2	1	0	0	0	0	0	7
Town of St. George's	1	0	1	0	0	0	0	0	2
Town of Stephenville	6	2	3	0	0	0	0	0	11
Town of Torbay	0	2	0	0	0	0	0	0	2
Town of Witless Bay	1	0	0	0	0	0	0	0	1
Western Health	3	0	3	0	1	0	0	0	7
Workplace, Health, Safety and Compensation Commission	1	0	0	0	0	1	0	0	2
Workplace, Health, Safety and Compensation Review Division	0	1	1	0	0	0	0	0	2
<b>Total</b>	<b>116</b>	<b>56</b>	<b>28</b>	<b>17</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>236*</b>
<b>Percentage %</b>	<b>49%</b>	<b>24%</b>	<b>12%</b>	<b>7%</b>	<b>4%</b>	<b>3%</b>	<b>1%</b>	<b>0%</b>	<b>100%</b>

\*At the time of this report 4 general access requests for Memorial University were incomplete.

Of the 236 general requests responded to by public bodies, 172 (73 per cent) resulted in full or partial disclosure, while 28 (12 per cent) were for records that did not exist. Access was denied in 17 (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 2014-15 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, 2014 to March 31, 2015)**

SECTION OF THE ATIPP ACT*	TOTAL	PERCENTAGE %
<b>MANDATORY</b>		
s.18 – Cabinet Confidences	42	12%
s.22.2 – Information from a Workplace Investigation	1	0%
s.27 – Disclosure Harmful to Business Interests of a Third Party	25	7%
s.30 – Disclosure Harmful to Personal Privacy	156	45%
<b>DISCRETIONARY</b>		
s.19 – Local Public Body Confidences	1	0%
s.20 – Policy Advice or Recommendations	49	14%
s.21 – Legal Advice	18	5%
s.22 – Disclosure Harmful to Law Enforcement	19	5%
s.22.1 – Confidential Evaluations	3	1%
s.23 – Disclosure Harmful to Intergovernmental Relations or Negotiations	17	5%
s.24 – Disclosure Harmful to Financial or Economic Interests of a Public Body	9	3%
s.25 – Disclosure Harmful to Conservation	0	0%
s.26 – Disclosure Harmful to Individual or Public Safety	8	2%
s.26.1 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	0	0%
<b>Total (mandatory and discretionary)</b>	<b>348</b>	<b>99%</b>

\*The sections cited above are based on the 2012 version of the ATIPP Act, which was in force during the 2014-15 fiscal year.

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

The exceptions to disclosure listed above were used in 348 instances. Section 30 (mandatory exception for personal information) was the most widely applied exception, used in 156 (45 per cent) instances of all applied exceptions. Discretionary exceptions were used in 124 (36 per cent) of the exceptions applied.

### Response Times

The Act which was in force during the 2014-15 fiscal year required 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 could 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, 2014 to March 31, 2015)**

DEPARTMENT	Met Timeline	Met Timeline with Extension	Timeline not Met	Total
Advanced Education and Skills	12	1	0	<b>13</b>
Business, Tourism, Culture and Rural Development	7	12	4	<b>23</b>
Child, Youth and Family Services	4	5	1	<b>10</b>
Education and Early Childhood Education	6	0	1	<b>7</b>
Environment and Conservation	24	16	0	<b>40</b>
Executive Council (Cabinet Secretariat)	13	0	1	<b>14</b>
Human Resources Secretariat	3	0	0	<b>3</b>
Office of the Chief Information Officer	2	0	0	<b>2</b>
Office of Public Engagement	3	5	0	<b>8</b>
Premier's Office	7	5	0	<b>12</b>
Labrador and Aboriginal Affairs Office	6	0	4	<b>10</b>
Women's Policy Office	0	1	0	<b>1</b>
Finance	10	5	0	<b>15</b>
Fisheries and Aquaculture	51	4	0	<b>55</b>
Health and Community Services	36	13	1	<b>50</b>
Justice and Public Safety	7	8	5	<b>20</b>

DEPARTMENT	Met Timeline	Met Timeline with Extension	Timeline not Met	Total
Municipal and Intergovernmental Affairs	17	7	0	24
Natural Resources	13	12	0	25
Service NL	23	2	0	25
Seniors, Wellness and Social Development	2	0	0	2
Transportation and Works	19	9	0	28
<b>Total</b>	<b>265</b>	<b>105</b>	<b>17</b>	<b>387*</b>
<b>Percentage %</b>	<b>68%</b>	<b>27%</b>	<b>4%</b>	<b>99%</b>

\*At the time of this report one general access request for Business, Tourism, Culture and Rural Development was incomplete.

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, 2014 to March 31, 2015)**

PUBLIC BODY	Met Timelines	Met Timelines with Extension	Timelines not Met	TOTAL
ATIPPA Review Committee	1	0	0	1
Central Health	6	0	0	6
Centre for Health Information	0	1	0	1
City of Corner Brook	2	0	0	2
City of St. John's	31	0	0	31
College of the North Atlantic	1	0	0	1
Commissioner of Lobbyists	0	1	0	1
Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador	2	0	0	2
Eastern Health	21	6	2	29
Fire and Emergency Services	8	1	0	9
Forestry and Agrifoods Agency	2	0	0	2
Government Purchasing Agency	1	4	0	5
Labour Relations Agency	1	3	0	4
Labrador-Grenfell Health	2	0	2	4
Memorial University	2	8	0	10
Nalcor	6	0	0	6
NL English School District	7	2	0	9
NL Housing Corporation	1	0	0	1
NL Liquor Corporation	3	0	0	3
Provincial Information and Library Resources Board	1	0	0	1

PUBLIC BODY	Met Timelines	Met Timelines with Extension	Timelines not Met	TOTAL
Research and Development Corporation	1	0	0	1
Royal Newfoundland Constabulary	33	2	3	38
Town of Aquaforte	1	0	0	1
Town of Bay Bulls	1	0	0	1
Town of Bay Roberts	2	0	0	2
Town of Conception Bay South	16	1	0	17
Town of Deer Lake	0	0	1	1
Town of Flatrock	2	0	3	5
Town of Glenwood	1	0	0	1
Town of Irishtown-Summerside	1	0	0	1
Town of Marystown	1	0	0	1
Town of Paradise	3	0	2	5
Town of Portugal Cove-St. Philip's	5	1	1	7
Town of St. George's	1	0	1	2
Town of Stephenville	10	0	1	11
Town of Torbay	1	1	0	2
Town of Witless Bay	1	0	0	1
Western Health	6	1	0	7
Workplace, Health, Safety and Compensation Commission	2	0	0	2
Workplace, Health, Safety and Compensation Review Division	2	0	0	2
<b>Total</b>	<b>188</b>	<b>32</b>	<b>16</b>	<b>236</b>
<b>Percentage %</b>	<b>80%</b>	<b>14%</b>	<b>7%</b>	<b>101%</b>

\*At the time of this report 4 general access requests for Memorial University were incomplete).

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 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, 2014 to March 31, 2015)**

DEPARTMENT	Individual	Legal Firm	Business	Public Body	TOTAL
Advanced Education and Skills	8	1	0	0	<b>9</b>
Child, Youth and Family Services	2	1	0	0	<b>3</b>
Environment and Conservation	2	1	0	0	<b>3</b>
Fisheries and Aquaculture	1	0	0	0	<b>1</b>
Health and Community Services	2	0	0	0	<b>2</b>
Human Resources Secretariat	4	0	0	0	<b>4</b>
Justice and Public Safety	0	1	0	0	<b>1</b>
Municipal and Intergovernmental Affairs	2	0	0	1	<b>3</b>
Office of the Chief Information Officer	2	0	0	0	<b>2</b>
Office of Public Engagement	0	1	0	0	<b>1</b>
Service NL	9	0	0	0	<b>9</b>
Transportation and Works	2	0	1	0	<b>3</b>
<b>Total by Applicant Type</b>	<b>34</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>41</b>
<b>Percentage %</b>	<b>85%</b>	<b>10%</b>	<b>2%</b>	<b>2%</b>	<b>99%</b>

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

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

**Table 8b – Personal Information Requests by Public Body and Applicant Type (April 1, 2014 to March 31, 2015)**

PUBLIC BODY	Individual	Legal Firm	Business	Public Body	TOTAL
City of St. John's	3	0	0	0	<b>3</b>
College of the North Atlantic	1	0	0	0	<b>1</b>
Eastern Health	2	0	0	0	<b>2</b>
Memorial University	6	0	0	0	<b>6</b>
NL English School District	3	0	0	0	<b>1</b>
NL Housing Corporation	1	0	0	0	<b>1</b>
Royal Newfoundland Constabulary	45	12	6	6	<b>69</b>
Town of Bay Bulls	1	0	0	0	<b>1</b>
Town of Portugal Cove-St. Philip's	1	0	0	0	<b>1</b>
Town of Whitbourne	1	0	0	0	<b>1</b>
<b>Total by Applicant Type</b>	<b>64</b>	<b>12</b>	<b>6</b>	<b>6</b>	<b>88</b>
<b>Percentage %</b>	<b>73%</b>	<b>14%</b>	<b>7%</b>	<b>7%</b>	<b>101</b>

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

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

### Frequency Applicant Type

**Table 9 – Personal Information Requests by Frequency of Applicant Type (April 1, 2014 to March 31, 2015)**

Applicant Type	Department	Public Body	Total	Percentage
Individual	34	64	98	76%
Legal Firm	5	12	17	13%
Business	1	6	7	5%
Other Public Body	1	6	7	5%
Interest Group	0	0	0	0%
Media	0	0	0	0%
Political Party	0	0	0	0%
Researcher	0	0	0	0%
<b>Total</b>	<b>41</b>	<b>88</b>	<b>129</b>	<b>99%</b>

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

## Fees

On March 9, 2015 the \$5 application fee for access to information requests was removed. Prior to March 9, 2015, a person who requests access to his or her own personal information paid 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 2014-15, application fees received by government departments and public bodies totaled \$525.00.

## 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, 2014 to March 31, 2015)**

Outcome by Department	Full Disclosure	Partial Disclosure	Do not Exist	Repetitive	Access Denied	Withdrawn	TOTAL
Advanced Education and Skills	6	3	0	0	0	0	9
Child, Youth and Family Services	0	2	0	0	0	1	3
Environment and Conservation	2	1	0	0	0	0	3
Human Resources Secretariat	4	0	0	0	0	0	4
Office of the Chief Information Officer	0	2	0	0	0	0	2
Office of Public Engagement	0	0	1	0	0	0	1
Fisheries and Aquaculture	0	0	1	0	0	0	1
Health and Community Services	1	1	0	0	0	0	2
Justice and Public Safety	0	0	1	0	0	0	1
Municipal and Intergovernmental Affairs	1	1	0	0	1	0	3
Service NL	5	2	0	2	0	0	9
Transportation and Works	1	2	0	0	0	0	3
<b>Total by final outcome</b>	<b>20</b>	<b>14</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>41</b>
<b>Percentage %</b>	<b>49%</b>	<b>34%</b>	<b>7%</b>	<b>5%</b>	<b>2%</b>	<b>2%</b>	<b>99%</b>

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

Of the 41 personal information requests responded to by departments, 34 (83 per cent) resulted in full or partial disclosure. Three (seven per cent) requests were for records that did not exist and in one (two per cent) request, access was denied as it was a request for someone else's personal information. In this case the department neither confirmed nor denied that records existed.

**Table 10b – Final Outcome of Personal Information Requests by Public Body (April 1, 2014 to March 31, 2015)**

Outcome by Public Body	Partial Disclosure	Full Disclosure	Access Denied	Do not Exist	Withdrawn	TOTAL
City of St. John's	0	3	0	0	0	3
College of the North Atlantic	1	0	0	0	0	2
Eastern Health	2	0	0	0	0	2
Memorial University	4	0	0	0	1	5
NL English School District	3	0	0	0	0	3
NL Housing Corporation	0	1	0	0	0	1
Royal Newfoundland Constabulary	40	18	6	5	0	69
Town of Bay Bulls	1	0	0	0	0	1
Town of Portugal Cove-St. Philip's	0	0	1	0	0	1
Town of Whitbourne	1	0	0	0	0	1
<b>Total by Final Outcome</b>	<b>52</b>	<b>22</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>87*</b>
<b>Percentage %</b>	<b>60%</b>	<b>25%</b>	<b>8%</b>	<b>6%</b>	<b>1%</b>	<b>100%</b>

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

Of the 87 personal information requests responded to by public bodies, 74 (85 per cent) resulted in full or partial disclosure. Five (six per cent) requests were for records that did not exist and access was denied in seven (eight per cent) requests. The seven requests where access was denied were the result of two requests for someone else's personal information; two requests relating to law enforcement; one request that was protected by solicitor-client privilege; one request that involved confidential evaluations; and one request that related to a workplace investigation.

## 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 2014-15 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, 2014 to March 31, 2015)**

Section of the Act	Total	Percentage %
<b>Mandatory</b>		
s.18 – Cabinet Confidences	1	1%
s.22.2 – Information from a Workplace Investigation	2	2%
s.27 – Disclosure Harmful to the Business Interests of a Third Party	0	0%
s.30 – Disclosure Harmful to Personal Privacy	63	69%
<b>Discretionary</b>		
s.19 – Local Public Body Confidences	1	1%
s.20 – Policy Advice or Recommendations	5	5%
s.21 – Legal Advice	8	9%
s.22 – Disclosure Harmful to Law Enforcement	4	4%
s.22.1 – Confidential Evaluations	3	3%
s.23 – Disclosure Harmful to Intergovernmental Relations or Negotiations	0	0%
s.24 – Disclosure Harmful to the Financial or Economic Interests of a Public Body	0	0%
s.25 – Disclosure Harmful to Conservation	0	0%
s.26 – Disclosure Harmful to Individual or Public Safety	1	1%
s.26.1 – Disclosure Harmful to Labour Relations Interests of Public Body as Employer	3	3%
<b>Total</b>	<b>91</b>	<b>98%</b>

*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 91 instances. Section 30 (mandatory exception for personal information) was the most widely applied exception, used in 63 (69 per cent) of exceptions. Discretionary exceptions were used in 25 (27 per cent) of the exceptions applied.

## Response Times

During the 2014-15 fiscal year, 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, 2014 to March 31, 2015)**

Department	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Advanced Education and Skills	9	0	0	9
Child, Youth and Family Services	3	0	0	3
Environment and Conservation	3	0	0	3
Human Resources Secretariat	3	0	1	4
Office of the Chief Information Officer	1	1	0	2
Office of Public Engagement	1	0	0	1
Fisheries and Aquaculture	1	0	0	1
Health and Community Services	2	0	0	2
Justice and Public Safety	0	0	1	1
Municipal and Intergovernmental	2	1	0	3

Department	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
Affairs				
Service NL	9	0	0	<b>9</b>
Transportation and Works	2	1	0	<b>3</b>
<b>Total</b>	<b>36</b>	<b>3</b>	<b>2</b>	<b>41</b>
<b>Percentage %</b>	<b>88%</b>	<b>7%</b>	<b>5%</b>	<b>100%</b>

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, 2014 to March 31, 2015)**

PUBLIC BODY	Met Timeline	Met Timeline with Extension	Timeline not Met	TOTAL
City of St. John's	3	0	0	<b>3</b>
College of the North Atlantic	0	1	0	<b>1</b>
Eastern Health	2	0	0	<b>2</b>
Memorial University	4	1	0	<b>5</b>
NL English School District	2	1	0	<b>3</b>
NL Housing Corporation	1	0	0	<b>1</b>
Royal Newfoundland Constabulary	69	0	0	<b>69</b>
Town of Bay Bulls	1	0	0	<b>1</b>
Town of Portugal Cove-St. Philip's	1	0	0	<b>1</b>
Town of Whitbourne	1	0	0	<b>1</b>
<b>Total</b>	<b>84</b>	<b>3</b>	<b>0</b>	<b>87*</b>
<b>Percentage %</b>	<b>97%</b>	<b>3%</b>	<b>0%</b>	<b>100%</b>

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

## 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, 2014 - March 31, 2015.

## Annex B- Fee Schedule (April 1, 2014 – March 8, 2015)

### **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 10<sup>th</sup> day of December, 2012.

**Dated** at St. John's in the Province of Newfoundland and Labrador, on the 10<sup>th</sup> 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

## Annex C- Fee Schedule (March 9, 2015 – March 31, 2015)

### **Establishment of Fees 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, effective from the 9<sup>th</sup> day of March, 2015.

Dated at St. John's in the Province of Newfoundland and Labrador, on the 9<sup>th</sup> day of March, 2015.

The Honourable Steve Kent  
Minister of the Office of Public Engagement

### **FEES**

1. In this fee 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) an application fee for making an access to information request;
  - (b) for identifying, retrieving, reviewing, severing or redacting a record;
  - (c) for creating an electronic copy of the record, such as a PDF or dataset.
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 30 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 fee schedule effective immediately.

## Office of Public Engagement (ATIPP Office) Contact Information

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