

From: [REDACTED]
Sent: Fri, 2 Oct 2026 23:33:33
To: [ATIPPAReview](#)
Cc: [REDACTED]
Subject: Supplement to my written submission of 14 September 2026, ATIPPA, 2015 Statutory Review, Timothy Pratt Hill
Importance: Normal
Sensitivity: None
Attachments: E05_SSWB_11Aug2026_response_letter_removals.pdf [REDACTED]
E02_SSWB_stamp159_JGRD_extra_funding_email_released_2Oct_redacted.pdf [REDACTED]
E08_SSWB_5May2026_transfer_notice.pdf [REDACTED]
OIPC_0025-154-26-023_Preliminary_Assessment_Ryan_2026-09-24.pdf [REDACTED]
Archived: Monday, October 5, 2026 9:40:42 AM

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Ms. Power,

On 14 September 2026 I filed a written submission to this review: fourteen findings, nineteen recommendations and 36 exhibits. Since then, the same access requests have produced five new events, every one dated after my submission. I set them out below in the same form, so they can be read with the findings they extend. As before, nothing here alleges that any public body or any person broke the law. I understand this supplement will be published with my submission.

I also ask to take part in the review's hearings. I would attend virtually.

Supplementary Finding A. Exceptions claimed, then dropped once the Commissioner is involved.

What happened. On 11 August 2026 the Department of Social Supports and Well-Being withheld printed page 159 of its release under sections 29(1)(a) and 35(1)(d), and printed pages 178 and 180 to 186 under sections 35(1)(d) and 35(1)(g). It called page 179 not responsive. On 2 October 2026, with my complaint before the Commissioner (OIPC file 0005-160-26-008), the Department removed the redactions from pages 159, 178 and 179 entirely and reduced them on pages 180 to 186. Page 159 is an email exchange of 18 and 19 February 2026. In it, another department asked whether the Department had any concerns about extra funding for four community organizations, and the Department replied that it had none.

Sections engaged. 29(1)(a), 35(1)(d), 35(1)(g), 43(1).

Exhibits. SA1, the Department's letter of 11 August 2026, page 2. SA2, printed

page 159 as released on 2 October 2026, with the two officials' names removed for publication.

The operational failure. A public body can withhold an ordinary email under the policy advice and financial harm exceptions, hold that position for seven weeks, and then release the page in full once an analyst is involved. It never states why the exception was claimed or why it no longer applies. My submission described the same course on two pages of a separate department's release.

Recommendation. Where a public body releases information it had withheld, it should state in writing which exception it no longer relies on and why, and the Commissioner's report on the complaint should record it.

Supplementary Finding B. A transferred request does not bring out the receiving department's own record.

What happened. On 5 May 2026 the Department transferred my request under section 14 to the Department of Jobs, Growth and Rural Development (JGRD), stating that JGRD held records on the subject. It also made a second transfer to the Department of Health and Community Services (HCS). Page 159 is JGRD's own email: a JGRD program manager wrote it about extra JGRD money. It does not appear in any of JGRD's releases to me on JGRD/029/2026. I have it only because the transferring department released its copy.

Sections engaged. 13, 14.

Exhibits. SA3, the notice of transfer of 5 May 2026.

The operational failure. When a request is transferred, each department searches for what it treats as its own share. Nothing in the Act requires the departments to compare what each produced. A record can come out of one department and be missing from the release of the department that wrote it, and there is no step at which anyone would notice.

Recommendation. Where a request is transferred in whole or in part under section 14, each public body should tell the applicant in writing which offices and record types it searched, so that gaps between the releases can be seen.

Supplementary Finding C. Three extensions, then no response at all. This extends Finding 3.

What happened. Finding 3 described the first two extension notices on HCS/124/2026, dated 3 June and 7 July 2026. A third notice, dated 25 August 2026, the day the previous deadline fell, moved the date to 23 September 2026. That date passed with no response, no records and no further notice. Under section 16(2) the request is considered refused. The Commissioner's office received my complaint on 24 September 2026 (OIPC file 0005-074-26-107).

Sections engaged. 16(2), 23, 44(4), 46(1).

The operational failure. HCS received the request on 5 May 2026. After 141 days and three extensions, the applicant has nothing. The remedy is a complaint that runs 30 business days for informal resolution and up to 65 business days for a report. A public body that never answers loses nothing by not answering.

Recommendation. Where a deemed refusal follows an approved extension, the public body should be required to report it to the Commissioner within five business days, and the Commissioner should be able to set a date by which the response must be given.

Supplementary Finding D. A public body may use section 41(c) to withhold the records of its own extension applications. This extends Finding 1.

What happened. My request PB/980/2026 asked the Town of Gander for the records of its extension applications on an earlier request. The Town withheld 22 of 35 pages under section 41(c), each page carrying a page number and nothing else. On 24 September 2026 the Commissioner's analyst gave a preliminary assessment with three points:

1. Public bodies, not only statutory offices, can and must use section 41(c).
2. The exception reaches any documents or explanations the Town has that are connected with an extension application.
3. Public bodies are not required to create a schedule of what they withheld.

The file went to formal investigation on 28 September 2026 (OIPC file 0025-154-26-023).

Sections engaged. 23, 41(c), 42(8)(b).

Exhibits. SA4, the preliminary assessment of 24 September 2026.

The operational failure. Finding 1 showed the Commissioner refusing extension records under section 41(c). On this reading, the public body that made the application may refuse them as well, together with its own internal notes about it. Both holders of the record can withhold it, and section 42(8)(b) bars a complaint about the decision it supports. The loop in Finding 1 is now closed at both ends.

Recommendation. Section 41(c) should be amended to state that it does not apply to a public body's own records of an application it made under section 23.

Supplementary Finding E. A search the Commissioner's office found wanting, and a volume figure no one can test.

What happened. On 22 September 2026 the analyst wrote to me about my complaint on the Town of Gander's response to PB/526/2026 (OIPC file 0025-154-26-022). She said she was not satisfied with the Town's initial search and had recommended a new one. The Town then advised that the beginning stages of

the new search show 130,000 potentially responsive records. The analyst wrote that she cannot ask the Town to show how it reached that figure, because that is outside the scope of the complaint. The file went to formal investigation on 28 September 2026.

Sections engaged. 13, 26, 44.

Exhibits. The analyst's emails of 22 September 2026 are available on request.

The operational failure. A figure of that size invites a request to narrow and could ground a cost estimate under section 26. Yet within the complaint, neither the applicant nor the analyst can test how it was reached.

Recommendation. Where a public body relies on a volume figure during a complaint, the Commissioner should be able to require the basis for it as part of that complaint.

Timothy Pratt Hill
Gander, Newfoundland and Labrador
[REDACTED]

ATIPP-SSWB

From: [REDACTED]
Sent: [REDACTED] January 19, 2026 8:48 AM
To: [REDACTED]
Subject: Re: Funding - Community Partners

Hi [REDACTED]

I am quite familiar with these community orgs and they do fantastic work with limited resources; specifically, the community centres and metro CCA. I don't have any concerns to identify with any of these groups at this time.

Certainly reach out if you have any questions,
 [REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Funding - Community Partners

Hello [REDACTED]

I am the Provincial Manager of the Labour Market Partnership Program with the Department of Jobs, Growth and Rural Development (JGRD).

JGRD has some extra funding that they are able to provide to community partners that we contract with under our core funding Community Partnership and Service Agreement for Youth and Students (SAYS) programs. We have completed an assessment of all our partners based on parameters such as timely reporting, reported activities and financials, and meeting targets.

Below is a list of some community partners that we are considering providing some extra funds. I was advised to connect with you review and identify and concerns you might have?

1. Community Sector Council
2. Smallwood Crescent Community Centre Inc
3. Exploits Community Association
4. St. John's Community Centre Alliance

If at all possible, can you let me know today or tomorrow by 10am?

Thanks,
 [REDACTED]

Section 29 Policy advice or recommendations

29. (1)(a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.

Section 35 Disclosure harmful to the financial or economic interests of a public body

35. (1)(d) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party.

35. (1)(g) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose information, the disclosure of which could reasonably be expected to prejudice the financial or economic interest of the government of the province or a public body.

Section 40 Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please note that page 159 has been removed pursuant to sections 29(1)(a) and 35(1)(d). Pages 178 and 180-186 have been removed pursuant to sections 35(1)(d) and 35(1)(g).

Please also note that pages 163-169, 179, and 188 have been removed as they are not responsive to the request.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the **Access to Information and Protection of Privacy Act, 2015** (the "Act"). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

From: "Ryan, Juliette" <JulietteRyan@oipc.nl.ca>
To: Tim Hill [REDACTED]
Date: Thu, 24 Sep 2026 16:13:12 +0000
Subject: Preliminary Assessment - Access Complaint 0025-154-26-023

Good day Mr. Hill,

I have received and reviewed the Town of Gander's submissions in response to access complaint 0025-154-26-023 and can give you a preliminary assessment. I believe that the Commissioner would find that the Town conducted a reasonable search for records and that she would agree with the Town's application of section 41(c) of the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015) and recommend that the Town maintain its position.

Search

The Town's Coordinator conducted the search. Not only is she experienced and knowledgeable with conducting searches for records, she has first-hand knowledge of what records exist in relation to this request. She is the Coordinator who responded to your original access request (PB/526/2026) and she is the one who contacted our Office to request the extensions in question. She searched all locations where one could reasonably expect responsive records to be and located the 35 pages of records. She then provided a redacted version of these 35 pages of records to you. I think the Commissioner would find this satisfactory and determine that the Town conducted a reasonable search and met its duty to assist.

Section 41(c)

Section 41(c) of ATIPPA, 2015<https://assembly.nl.ca/Legislation/sr/statutes/a01-2.htm#41_> is a mandatory, record-level exception. I think the Commissioner would have the same finding in this complaint that she had in a previous complaint our Office received, which resulted in Report A-2025-008<<https://www.oipc.nl.ca/files/A-2025-008.pdf>>. While that Report dealt with an application to disregard an access request as opposed to applications for time extensions, the two matters are analogous. Both types of applications fall under our Office's investigatory responsibilities.

Our Office has held that public bodies, and not just statutory offices, can and must use the mandatory section 41(c) exception. As we have previously explained in our Reports, "the purpose of this provision is to protect the integrity and confidentiality of the OIPC's investigatory activities. Therefore, it is quite broad, and it applies to entire records, not just information contained in records". To reach a conclusion that would allow a public body to release these records (i.e. if we were to say that section 41(c) is not available to public bodies) would be to contradict the purpose of this provision. The language you are relying on in this provision, "... in the case of a statutory office as defined in the House of Assembly Accountability, Integrity and Administration Act, records connected with the investigatory functions of the statutory office (emphasis mine)" is simply referring to the records that are connected with such a statutory office - the exception to access applies to, "The Speaker of the House of Assembly, the officer responsible for a statutory office, or the head of a public body (emphasis mine)".

I appreciate your position regarding an application for a time extension, "is an administrative application and not a record connected with the investigatory functions of the Commissioner's Office". However, this is not the case. Public bodies must give our Office detailed explanations and reasons for why they are seeking a time extension. Just as we said in Report A-2025-008 regarding a disregard application, "This Office then uses this information as the basis of its investigation and determines

whether to accept or reject the disregard application". I believe the Commissioner would apply the exact same logic to a time extension application.

Please note that this exception to access is broad. It reaches all records, "connected with the investigatory functions of the statutory office". This includes any documents or explanations the Town would have that would be connected with the application. The Town did provide you with our Office's final decision emails, which is consistent with the recommendations in Report A-2025-008.

I understand that you want the Town to, "produce a schedule identifying each of the twenty two withheld pages, its date, its author, its recipient, the item of my request to which it responds, and the provision relied on for that record, as section 17(1)(c) requires". Please note that public bodies are not required to create records in response to an access request under ATIPPA, 2015. Further, they have identified that all information they are withholding is pursuant to section 41(c) of ATIPPA, 2015. I do not believe the Commissioner would recommend that the Town take any further action.

Please let me know whether you agree to resolve this complaint informally or whether you would like to proceed to a formal investigation. Day 30 of this investigation is on October 2, 2026. If I do not hear from you by then, I will refer the file to a formal investigation.

Regards,

Juliette

Juliette Ryan, BA, JD (she/her/hers)
Access and Privacy Analyst
Office of the Information and Privacy Commissioner
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20 Crosbie Place
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From: Ryan, Juliette
Sent: Tuesday, August 25, 2026 11:44 AM
To: Tim Hill [REDACTED]
Subject: RE: Confirmation of Access Complaint - 0025-154-26-023

Good day,

Thank you for providing your submissions.

I will be in touch again once I receive the Town's submissions.

Regards,

Juliette

Juliette Ryan, BA, JD (she/her/hers)
Access and Privacy Analyst
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From: Tim Hill [REDACTED] <mailto:[REDACTED]>>
Sent: Monday, August 24, 2026 4:16 PM
To: Ryan, Juliette <JulietteRyan@oipc.nl.ca<mailto:JulietteRyan@oipc.nl.ca>>
Cc: Tim Hill [REDACTED] <mailto:[REDACTED]>>
Subject: Re: Confirmation of Access Complaint - 0025-154-26-023

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Ms. Ryan,

Thank you for your notice of 24 August 2026 confirming file number 0025-154-26-023.

Attached are my representations under section 44, together with the Town of Gander's Form 4B of 20 August 2026 and the redacted records it released, so that everything I refer to is in front of you in one place.

Two points I have put in the representations but will state here as well.

The public interest override at section 9 is not engaged on this file. The Town relies on section 41(c) and nothing else, and section 9 does not reach section 41. I make no section 9 argument and ask that nothing be read into its absence. My position is that section 41(c) is not available to a municipality at all.

I do not consent to any extension of the informal resolution period beyond the thirty business days provided by section 44(4).

I consent to these representations being shared with the Town of Gander in full.

Timothy Pratt Hill

[REDACTED] Gander, NL [REDACTED]

[REDACTED] <mailto:[REDACTED]>

----- Original Message -----

From "Ryan, Juliette" <JulietteRyan@oipc.nl.ca<mailto:JulietteRyan@oipc.nl.ca>>

To "Tim Hill" <[REDACTED]<mailto:[REDACTED]>>

Date 2026-08-24 3:19:40 PM

Subject Confirmation of Access Complaint - 0025-154-26-023

Good day,

We received your complaint under the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015) on August 20, 2026 and forwarded it to the Town of Gander for response. Your file number with our Office is 0025-154-26-023.

Section 44(1) of ATIPPA, 2015 states that you have ten business days from receipt of this notice to make representations to the Commissioner, if you wish. Any representations you provide will be considered and relied upon during informal resolution and in the completion of a Commissioner's Report if the matter is not resolved informally. Attached are our ATIPPA, 2015 Guidelines - Managing Your Access Complaint, which may assist you. This may be your only opportunity to put forward your position to the Commissioner's Office.

If any of the information at issue in this complaint has been redacted in accordance with sections of ATIPPA, 2015 to which section 9 applies, please provide any arguments you may have that the public interest in disclosing this information outweighs the purpose of the exception relied on by the Town of Gander.

Records responsive to an access to information request which are provided to our Office for review will not be disclosed by our Office to an applicant or any other party under any circumstances. The decision to disclose such records always rests solely with the head of a public body.

Under section 44(4) the time period for informally resolving the complaint is 30 business days from the date our Office received the complaint. If the complaint is not resolved informally, then our Office has 65 business days from receipt to complete a formal investigation and make a Report. If you have any questions about this process, please do not hesitate to contact me.

Regards,

Juliette

Juliette Ryan, BA, JD (she/her/hers)
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Notice of Transfer of Request to another Public Body

May 5, 2026

Dear Applicant:

Re: Your request for access to information under Part II of the **Access to Information and Protection of Privacy Act, 2015** [Our File #: SSWB-037-2026]

On April 29, 2026, the Department of Social Supports and Well-Being received your request for access to the following records:

Pursuant to the Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015), I hereby request access to the following records held by or under the control of the Department of FAMA, or any other provincial department, agency, or crown corporation that may hold responsive records:

Specific records requested:

1. All records showing grants, contributions, funding agreements, or transfer payments provided by the GNL to the Community Sector Council of Newfoundland and Labrador (CSCNL), for the period January 1, 2003 to the date of the request.
2. For each funding event identified: the dollar amount, the fiscal year, the approving department or minister, the program or budget line under which the funding was allocated, and the stated purpose of the funding.
3. All correspondence, memoranda, briefing notes, emails, or any other records between the GNL and CSCNL relating to the negotiation, approval, renewal, or review of any funding arrangement for the same period.
4. Any records documenting CSCNL participation in government working groups, advisory committees, joint steering committees, or policy consultations during the period January 1, 2015 to present, including the names of CSCNL representatives who participated and records or minutes of those proceedings.
5. Any records relating to the multi-year community sector funding program announced in 2017 and The Way Forward with Community work plan released April 2019, specifically any records identifying CSCNL as a recipient, participant, or partner organization, and any records naming individual CSCNL staff members in connection with those programs.
6. All records showing payments made by the GNL to CSCNL under the AMPLIFY program or any other provincially funded program administered by CSCNL, for the period January 1, 2025 to October 14, 2025. This includes any records identifying CSCNL staff members responsible for administering those programs during that specific period.

Please be advised, however, that some of the above noted records relating to CSCNL funding are in custody or under the control of the Department of Jobs, Growth and Rural Development (JGRD). Your request, therefore, was transferred to the JGRD on May 5, 2026 under authority of section 14 of the **Access to Information and Protection of Privacy Act, 2015** (the "Act").

This public body is required to respond to your request without delay and in any event not more than 20 business days after receiving your request, unless:

- the time for responding is extended with approval from the Office of the Information and Privacy Commissioner under section 23 of the Act; or
- the time for responding is suspended for 20 business days under subsection 26 of the Act, pending your response to a cost estimate provided by JGRD.

Please note, a second transfer was completed to the Department of Health and Community Services (HCS) as they have responsive records as well.

If you have any further questions, please contact the JGRD access to information coordinator by email at ATIPP-JGRD@gov.nl.ca.

Sincerely,

Trista Camizzi
Senior Access to Information Coordinator

cc. ATI Coordinator for JGRD