



October 7, 2026

Keri-Lynn Power, LLB (Hons), LLM
Committee Chair
Access to Information and Protection of Privacy Statutory Review 2025
2nd Floor, Beothuck Building
20 Crosbie Place
St. John's, NL A1B 3Y8

Dear Ms. Power:

Thank you for your letter of July 17, 2026, inviting the Canada–Newfoundland and Labrador Offshore Energy Regulator (C-NLOER) to provide comments as part of the statutory review of the *Access to Information and Protection of Privacy Act*, 2015 (ATIPPA, 2015). The invitation notes that C-NLOER has purview over legislation referenced in Schedule A and that the Committee is reviewing those provisions to determine whether their continued inclusion remains necessary.

C-NLOER is the independent regulator responsible for overseeing offshore petroleum and offshore renewable energy activities in the Canada–Newfoundland and Labrador Offshore Area. C-NLOER is subject to the federal *Access to Information Act* and *Privacy Act*, administers its access to information and privacy obligations under those Acts. The administration of those acts is subject to independent oversight by the federal Information Commissioner of Canada and the Privacy Commissioner of Canada.

Accordingly, C-NLOER does not administer ATIPPA, 2015 directly. Our comments are limited to the Committee's review of section 115 of the *Canada–Newfoundland and Labrador Atlantic Accord Implementation and Offshore Renewable Energy Management Newfoundland and Labrador Act* (the Accord Act) and its continued inclusion in Schedule A.

Recommendation

C-NLOER strongly recommends that section 115 of the Accord Act remain included in Schedule A of ATIPPA, 2015.

Section 115 establishes specific requirements governing the protection and disclosure of information and documentation obtained through regulatory activities. In C-NLOER's view, these requirements continue to serve an important purpose within the offshore regulatory regime by providing certainty regarding how information submitted to the C-NLOER will be treated. That certainty is vital in enabling new participants to enter the offshore petroleum and renewable energy industries in Newfoundland and Labrador.

Based on its experience administering the Accord Act, C-NLOER is not aware of any operational concerns that would support removing section 115 from Schedule A. That experience confirms that section 115 continues to serve a necessary function and should remain in Schedule A.

Continued Need for Section 115

In carrying out its mandate, C-NLOER receives information from operators, interest holders, contractors and others. Depending on the circumstances, this may include technical and operational information, analyses, commercial information, proprietary business information and other information submitted in connection with regulatory oversight activities.

C-NLOER's ability to carry out its regulatory responsibilities relies on access to complete, accurate and timely information from regulated parties. Section 115 supports this function by establishing clear statutory requirements governing the protection and disclosure of information and documentation provided in connection with regulatory activities.

Section 115 also identifies circumstances in which specified categories of information may be disclosed, including applicable disclosure periods. This provides regulated parties with certainty regarding the treatment of information submitted to C-NLOER while preserving disclosure in the circumstances established by the Accord Act. This certainty is vital to the continued regulation of both a stable and mature industry, petroleum operations, and the growth of an emerging industry, renewable energy.

Relationship with Access to Information Legislation

C-NLOER recognizes the important role of access to information legislation in promoting transparency, accountability and public confidence in public institutions.

ATIPPA, 2015 also recognizes that particular statutory provisions may establish specific requirements concerning access to information. Under subsection 7(2), where access to a record is prohibited or restricted by, or a right of access is provided by, a provision designated in Schedule A, that provision prevails.

Section 115 establishes such a framework for information and documentation obtained through the offshore regulatory process. Its continued inclusion in Schedule A preserves the relationship established between that framework and ATIPPA, 2015.

In C-NLOER's view, this approach continues to provide clarity regarding which legislative scheme governs access to and disclosure of information obtained under the Accord Act.

Considerations for the Committee

In evaluating the continued inclusion of section 115 in Schedule A, C-NLOER respectfully suggests that consideration be given to:

- the continuing need for clear statutory requirements governing the protection and disclosure of information obtained through regulatory activities;
- the importance of ensuring that both regulated parties and prospective entrants understand how information submitted under statutory requirements will be treated under the Accord Acts;
- the potential effect on regulatory activities if uncertainty were to arise regarding the treatment of information submitted to the Regulator;

- the distinct role section 115 plays in establishing disclosure requirements specific to the offshore regulatory regime; and
- the fact that C-NLOER is subject to the federal *Access to Information Act* and *Privacy Act* and subject to independent oversight by the federal Information Commissioner of Canada and the Privacy Commissioner of Canada.

Based on C-NLOER’s experience administering the Accord Acts, section 115 continues to perform an important function within the offshore regulatory framework.

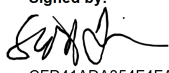
Conclusion

C-NLOER appreciates the opportunity to participate in this review.

Given that C-NLOER does not administer ATIPPA, 2015 directly, we have confined our comments to the provision affecting legislation within our mandate. C-NLOER supports the continued inclusion of section 115 of the Accord Act in Schedule A and respectfully recommends that it remain unchanged. In C-NLOER’s view, section 115 continues to serve an important and distinct purpose within the offshore regulatory framework.

Should the Committee require more information regarding the operation or purpose of section 115, C-NLOER would be pleased to help.

Sincerely,

Signed by:

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Scott Tessier
Chief Executive Officer
Canada–Newfoundland and Labrador Offshore Energy Regulator