

April 27, 2016

[REDACTED]

E-mailed: [REDACTED]

Dear [REDACTED]

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act*

On April 10, 2016, the City of St. John's received your request for access to the following records/information:

"AI wish to receive the following information:

- 1] Qualifications / salary of the current DCM[Deputy City Manager] of DPW [Dept Public Works]
 - 1a] Why was the current DCM nominated for this position?
- 2] Qualifications / salary of the current Roads Manager
 - 2a] Why is this individual in this position?
- 3] Qualifications / salary of the current Fleet Manager
 - 3a] Why is this individual in this position?
- 4] Qualifications / salary of the current Water/Waste Water Manager
 - 4a] Why is this individual in this position?
- 5] Qualifications / salary of the current City HR Manager
 - 5a] Why is this individual in this position?
- 6] Qualifications / salary of the current HR generalist
 - 6a] Why is this individual in this position?
- 7] A list of decision makers who placed current DCM in this position and their justifications for action."

I am pleased to advise that a decision has been made to provide access to some of the requested information. In particular, access is granted to the following records:

Salary Information (Note – staff salaries are posted on the City's website)

| Position | Annual Salary |
|------------------------------------|---------------|
| Deputy City Manager – Public Works | \$165,268.35 |
| Manager – Roads | \$142,916.80 |
| Manager – Fleet | Vacant |
| Manager – Water/Waste Water | \$125,486.40 |
| Manager – HR Advisory Services | \$128,974.95 |
| HR Advisor – Public Works | \$121,252.95 |

The current Deputy City Managers were appointed by Neil Martin, former City Manager.

ST. JOHN'S

Your request to provide the qualifications of individual employees and justification for their appointment is denied, as this falls within ATTIPA's following exception to disclosure:

- _____ is
_____ of a public body may refuse to disclose to an applicant personal information that is evaluative
_____ ed explicitly or implicitly in confidence, and compiled for the purpose of
- (a) determining suitability, eligibility or qualifications for employment or for the awarding of _____ fits by a public body;
 - (b) determining suitability, eligibility or qualifications for admission to an academic _____ of an educational body;
 - (c) determining suitability, eligibility or qualifications for the granting of tenure at a post-secondary educational body;
 - (d) determining suitability, eligibility or qualifications for an honour or award to recognize outstanding achievement or distinguished service; or
 - (e) assessing the teaching materials or research of an employee of a post-secondary educational body or of a person associated with an educational body.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact me by telephone at 576-8202 or by e-mail at ehenley@stjohns.ca.

Yours very truly,



Elaine Henley
City Clerk

Attachment

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Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).