

**NEWFOUNDLAND AND LABRADOR**  
**OFFICE OF THE INFORMATION AND PRIVACY**  
**COMMISSIONER**

**REPORT 2007-010**

**College of the North Atlantic**

**Summary:**

The Applicant applied to the College of the North Atlantic (“CNA”) for access to certain e-mail records. CNA responded by disclosing some records, and withholding others under sections 20, 24, 27 and 30 of the *Access to Information and Protection of Privacy Act* (the “ATIPPA”). The Applicant then asked the Commissioner to review the decision of CNA to withhold some of the requested information. During informal resolution efforts, CNA dropped its reliance on sections 24 and 27, and agreed to release all additional records which were proposed for release by the Commissioner’s Office. When these additional records were released to the Applicant, the Applicant discovered that there were pages missing from the agreed upon disclosure. The Applicant then decided not to resolve the matter informally and asked the Commissioner to proceed with a Report. The Commissioner determined that CNA was deficient in fulfilling its duty to assist the Applicant in that it did not take care to ensure that all records which it had agreed to release were in fact released to the Applicant. The Commissioner also determined, however, that the deficiency was relatively minor in nature. The Commissioner recommended that care be taken by CNA in the future to ensure that all records designated for disclosure to an applicant are in fact disclosed.

**Statutes Cited:**

*Access to Information and Protection of Privacy Act*, SNL 2002, c. A-1.1, as am, ss 9, 16, 12, 20, 24, 27, 30, 49(1), 50, 60.

**Authorities Cited:**

Newfoundland and Labrador OIPC Reports 2005-005, 2005-006, 2006-003; Ontario OIPC Order M-909.

## I BACKGROUND

- [1] On 23 August 2006 the College of the North Atlantic (“CNA” or the “College”) received the following request under the *Access to Information and Protection of Privacy Act* (the “ATIPPA”):

*All attachments that contain any personal information of [Applicant] or [Applicant’s spouse] from the period April 1, 2003 to November 30, 2003 from the archives that were created by CNA IT staff on or about December 3, 2003 for the following individuals:*

*[four named individuals]*

- [2] A letter of permission from the Applicant’s spouse was provided to CNA with the request form. In a letter to the Applicant dated 19 September 2006, CNA extended the time limit for a response to this request by an additional thirty days, based on section 16(1)(b) of the *ATIPPA*, which states:

*16(1) The head of a public body may extend the time for responding to a request for up to an additional 30 days where*

*(b) a large number of records is requested or must be searched, and responding within the time period in section 11 would interfere unreasonably with the operations of the public body;*

- [3] CNA issued its response to the Applicant on 20 October 2006, in which it provided partial access to the requested records. The remaining information was withheld under sections 20(1)(a) and (b); 24(1)(c) and (e); 27; and 30 of the *ATIPPA*.

- [4] On 30 October 2006 this Office received a Request for Review from the Applicant, a copy of which was forwarded to CNA. The Applicant requested that this Office review “the severing and withholding of records” in relation to this file, as well as investigate whether there was a failure of the College’s duty to assist the Applicant. Informal resolution efforts were not successful, therefore this file was referred to the formal investigation process, culminating in this Report. It should be noted, however, that during informal resolution efforts, CNA agreed to release all of the records as per the suggestions of this Office, including all those records for which CNA had claimed sections 24 and 27. Both parties were invited to provide formal submissions, which are summarized below.

## II PUBLIC BODY SUBMISSION

- [5] CNA began its submission by reviewing the time lines of its receipt of the Applicant's request, through the informal resolution efforts initiated by this Office. CNA notes that in the informal resolution process, it released all records proposed for release by this Office "despite serious hesitation" with regard to certain records.
- [6] CNA says that the additional records were sent to the Applicant on 10 April 2007. However, on 18 April 2007, CNA notes that this Office relayed communication from the Applicant to the effect that an incomplete set of records had been released. This was in reference to the additional records provided to the Applicant as a result of informal resolution efforts. The Applicant had noted that among the additional records were six versions of a particular seven page document. The Applicant had noticed that while one of the six versions had all seven pages, the other versions contained only three, four, or five pages of the seven, which meant that certain pages had been left out of the package which was sent to the Applicant.
- [7] CNA says it examined this discrepancy, and on 25 April 2007 it forwarded the missing pages to the Applicant. CNA says that the missing pages were a result of a photocopy error. In its letter to the Applicant, CNA commented as follows:

*Please be advised that CNA accepted all of [Commissioner's Office] recommendations with respect to the release of records. This includes the six versions of "WorkPlan Risk Management Analysis for CNA-Qatar Project May 7, 2003." You will find these documents enclosed here in full.*

*We apologize that this error occurred. It was an oversight in photocopying and this office will strive to prevent this from happening again. While our efforts to get these records out to you by the date you requested them were successful there were clearly steps that should have been taken to isolate and correct errors.*

- [8] Despite this explanation, CNA notes that the matter was not able to be resolved informally, and CNA received notification on 15 May 2007 that the matter had been referred to the formal investigation process. CNA observes that in her Request for Review, the Applicant asked the Commissioner to review the severing and withholding of records, as well as the duty to assist.

[9] CNA first addressed its decision to sever and withhold some of the records. As noted above, CNA initially claimed four exceptions, but during informal resolution efforts initiated by this Office, it decided to release the records for which it had claimed sections 24 and 27, thus leaving sections 20 and 30 as the two exceptions it relied upon to withhold and sever some records. CNA says that it has “correctly interpreted and applied sections 20 and 30(1) to the records returned during the search conducted in answer to the request made by the Applicant...” In its submission, CNA briefly commented on the nature of the records it withheld under sections 20 and 30, and concluded that portion of its commentary by saying that the only records it withheld in the end were withheld in full consultation with this Office during the informal resolution process.

[10] CNA then went on to comment on its compliance with the duty to assist, as set out in section 9 of the *ATIPPA*. CNA described its understanding of the duty to assist as follows:

*The duty to assist encompasses two areas: whether the public body has assisted the applicant in that it has responded openly, accurately and completely and whether the public body has conducted a reasonable search for the records requested by the applicant.*

[11] CNA provided copies of decisions from the office of the British Columbia Information and Privacy Commissioner to support its position on the duty to assist. CNA says that, according to its reading of these decisions,

*Legally, a public body has fulfilled its duty to assist when it has conducted a search in all those places in which a reasonable person would expect a public body to search for records. The standard is not perfection but rather, what is reasonable. A public body has met its duty to assist when it responds openly, accurately and completely to the inquiries and requests of the applicant. For example, it clearly identifies why and how records being provided to the applicant have been severed or withheld entirely or communicates with the applicant to clarify criteria.*

*The determination of whether a public body has failed in its duty to assist is based largely on the facts surrounding the public body’s interaction with the applicant and its actions in responding to the applicant’s request.*

[12] CNA then comments on the search conducted for this particular set of records. CNA says that this search was relatively straightforward, in that the request and search criteria were clear. The

requested records were in electronic format, so the search for responsive records was conducted by CNA's IT group, and all responsive records were given to CNA's Access & Privacy Coordinator who then reviewed each record individually. CNA says that its search, sort and review of the responsive records were actions "which would be viewed as reasonable by a fair and rational person," and in undertaking these actions, CNA has fulfilled its duty to assist.

- [13] CNA further comments on its effort to respond openly, accurately and completely to the Applicant's request. Although not specifically raised by the Applicant as an issue, CNA says that it has also complied with the following provisions of section 12 of the *ATIPPA*:

*12 (1) In a response under section 11, the head of the public body shall inform the applicant*

- (a) whether access to the record or part of the record is granted or refused;*
- (b) if access to the record or part of the record is granted, where, when and how access will be given; and*
- (c) if access to the record or part of the record is refused,*

*(i) the reasons for the refusal and the provision of this Act on which the refusal is based,*

...

- [14] CNA says that each page of the record was numbered individually, and on each page where information was severed, the College clearly indicated which section of the *ATIPPA* was relied upon in making that decision. Where an entire page or series of pages was withheld, CNA inserted a blank page indicating the number of pages withheld and the provision(s) of the *ATIPPA* relied upon to withhold the information. CNA submits that this was done in accordance with section 12(a) and (c)(i) of the *ATIPPA*, and that CNA has responded openly, accurately, and completely to the Applicant's request.

- [15] In its submission, CNA then revisited the issue of the pages which it says were missing due to photocopier error. CNA reiterated that when the fact of the missing pages was pointed out by the Applicant, CNA quickly forwarded the complete version of the record, as well as an explanation (quoted above) of why an incomplete copy of the record had been forwarded. CNA says that:

*... the record was returned six times during the search. Five times, the record did not photocopy correctly. The missing pages were a result of photocopier error and several pages consistently did not go through the photocopier. A full set of pages comprising this record was however included in the set of records disclosed to the Applicant as all pages photocopied correctly on the sixth copy of the record.*

[16] The College also indicated that it numbers each page individually, and in this case the working copy of the records was numbered by hand. CNA says that the copy of the record which was provided to the Applicant clearly had missing pages, because there would have been gaps in the numbering where pages were missing. Therefore, CNA says that

*There is no reason for an applicant to ‘guess’ whether records have been printed correctly as it would be apparent from the numbering system in use by the College. In this case, that is exactly what happened—the gaps were evident from the College’s numbering system.*

[17] CNA also referred to two decisions from other provincial jurisdictions which, according to CNA, support its position in this matter. One is Ontario Office of the Information and Privacy Commissioner Order MO-2143-F. In that case, the Applicant requested a review partly on the basis that records and pages of records were missing and that the School Board did not conduct a reasonable search. The Adjudicator disagreed with the Applicant, and found that a reasonable search had been conducted by the School Board.

[18] CNA also referred to an order from the Office of the Information and Privacy Commissioner in British Columbia. Order 04-15 addresses at paragraph 39 the University’s failure to address concerns about a missing page or pages. CNA notes that the Adjudicator found that the University had failed in its duty to assist on this particular point, which the Adjudicator referred to as “minor.”

[19] CNA contrasts that decision from British Columbia with the current matter, in which, once the error was pointed out by the Applicant, CNA supplied the missing pages, and issued an apology and an explanation as to why the pages were missing. In the British Columbia case noted above, the University failed to address the allegation of missing pages in any way. CNA submits that “the College did everything a reasonable person would expect, did communicate

with the applicant openly, accurately and completely and fulfilled its duty to assist the applicant.”

### III APPLICANT’S SUBMISSION

[20] The Applicant provided a submission in relation to this matter in which she highlights a number of her ongoing concerns with CNA and its practices in responding to access requests. Her concerns also involve previous requests for information and requests for review which have been filed with this Office. In summarizing these comments, I will focus on those which are most relevant to this particular matter.

[21] The Applicant communicated her frustration by stating that her only level of assurance that she has received the records to which she is entitled is for her to review the records provided to her with a view to discovering whether some responsive records might be missing. On this subject, she commented that “of the three parties involved, I am the one least able to identify when records are missing. There is something seriously wrong with this process when the party who is blind as to the records withheld, has to identify missing records.”

[22] The Applicant says she is unaware, after she told CNA about the missing records, whether CNA attempted to confirm if there were other missing records or further photocopying problems. The Applicant indicated in her submission, in reference to the missing pages, that it is unreasonable for a public body, “in this case a technology college,” to have this level of error in its responses to applicants.

*It is not consistent with my knowledge of photocopiers that in this instance, having put 574 or so pages in the photocopier that the photocopier would fail only when it was copying the pages of the Risk Management document. As I indicated in my email to you on April 25, 2007, I believe the only reason I was able to identify these missing records is because the number of missing records is so large that it’s difficult to miss the target. It’s not reasonable to believe that out of the 42 pages of the Risk Management documents, that the photocopier failed to copy 16 times (38% of the time) but never failed on the rest of the documents being photocopied.*

[23] The Applicant is concerned that other requests for information she has made may also be subject to the same problem, but the problem may be less obvious and may go undetected. The Applicant questions how it is possible for a photocopier to fail only when copying a specific document.

[24] As noted above, during informal resolution efforts, the College agreed to release additional records as proposed by this Office. The Applicant, in her submission, expressed some doubt as to whether CNA had in fact agreed to do this, and also even if CNA agreed, whether they followed through. The Applicant felt that the wording of CNA's letter to her which accompanied the release of additional records was deliberately equivocal in not specifically stating that all records proposed for release by this Office during the informal resolution process were being released. The CNA letter referred to by the Applicant says, "Please find enclosed the records for release as per the informal review processes with [name] of the OIPC." The Applicant says she has felt similarly misled from other correspondence from CNA:

*I have no confidence that I have received all the records you have recommended for release. In fact, based on CNA's history, I would really be foolish to have any other starting point – CNA has not dealt with me in good faith, particularly in relation to withholding records.*

[25] The Applicant also noted her concern that apparently CNA staff did not check to see that all records were accounted for before sending them to her. The Applicant expressed concern that perhaps records in addition to those which she identified as missing had been left out of the package sent to her. The Applicant proposed in her submission that the entire set of records designated for disclosure to her should be reissued electronically to her and to this Office.

[26] The Applicant says that in the initial disclosure of records she received, not all of the pages were hand numbered, and she also received two different versions of what appeared to her to be the same record – one partially severed, and one completely unsevered. The Applicant indicates that this is evidence that there must be other problems with the file than the missing pages already discussed.



[27] The Applicant says that she is unable to provide this Office with an accurate list of the records she received, because since she acquired them she may have removed some pages from the group. As a result, she is at a further disadvantage in not being able to present additional evidence of missing records.

[28] The Applicant says that previous recommendations from this Office to CNA in terms of responding in an open, accurate and complete manner have not seemed to make a difference, based on problems with the records disclosed to her in this and other requests for information she has filed. The Applicant concluded her submission with the following statement: “I am requesting that until such time as CNA is in compliance with the spirit and intent of the *ATIPPA*, that the OIPC take appropriate action to fully monitor CNA compliance.”

#### **IV DISCUSSION**

[29] CNA claimed four exceptions in its response to the Applicant’s request. Two of these, sections 24 and 27, were later dropped by CNA during informal resolution efforts. Records for which these exceptions had been claimed were released to the Applicant during that process, and I will therefore not comment on CNA’s initial use of those exceptions. Included among the records designated for release during informal resolution efforts were the records identified as missing by the Applicant, which were subsequently forwarded to the Applicant along with an explanation that photocopier error was the reason for the deficiency, and an apology.

[30] While CNA also released additional material which had initially been withheld under sections 20 and 30, CNA maintained its reliance on those exceptions for certain information throughout the responsive records. The exceptions are as follows:

*20. (1) The head of a public body may refuse to disclose to an applicant information that would reveal*

*(a) advice or recommendations developed by or for a public body or a minister; or*

*(b) draft legislation or regulations.*

...

*30. (1) The head of a public body shall refuse to disclose personal information to an applicant.*

[31] As referenced above, this Office worked with the College in an attempt to resolve this Request for Review informally. As part of that process, CNA agreed to release additional records as proposed by this Office. CNA was advised by this Office that if it released this set of additional records, then this Office would be satisfied with the College's decisions in relation to the remaining information withheld or severed. Once this set of records was forwarded to the Applicant, it appeared possible that a resolution could be attained, until the Applicant advised this Office of discrepancies in the package of records she received, which were later determined to be the missing pages.

[32] Section 20, as applied by CNA to the records which were withheld from the Applicant, is meant to protect against disclosure of records which constitute advice or recommendations developed by or for the College. I have dealt with this exception in several of my previous Reports, including Report 2005-005, in which I commented extensively on it, including the following points:

*[39] It is important at this point to also discuss the context of section 20 and exactly what it is meant to protect. Again, I would refer to this province's ATIPPA Policy and Procedures Manual, at section 4.2.3:*

*Section 20 is intended to allow full and frank discussion of policy issues within the public service, preventing the harm which would occur if the deliberative process were subject to excessive scrutiny, while allowing information to be released which would not cause real harm.*

*[40] This description of section 20 is consistent with the definition of advice and recommendations referenced earlier in this Report. There is a clear understanding that advice or recommendations in the context of access to information legislation is directly associated with the policy-making process within government. It is entirely reasonable to assume that such a process would involve some form of deliberation meant to generate discussion and consideration and, ultimately, a decision. In the absence of these essential elements I do not believe that information would invite the protection of section 20(1).*

[33] As noted above, during informal resolution efforts, CNA agreed to release all records which this Office determined did not meet the necessary threshold to be withheld under the exceptions claimed. For the purposes of this Report, I agree that CNA has withheld correctly all of the remaining records in this Review for which it claimed section 20.

[34] Similarly, CNA also withheld records on the basis of section 30. Section 30 is a mandatory exception which requires a public body to withhold person information unless it is specifically excluded from such protection on the basis of one of the conditions found in section 30(2), which are as follows:

*30. (2) Subsection (1) does not apply where*

- (a) the applicant is the individual to whom the information relates;*
- (b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;*
- (c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is mailed to the last known address of the third party to whom the information relates;*
- (d) an Act or regulation of the province or Canada authorizes the disclosure;*
- (e) the disclosure is for a research or statistical purpose and is in accordance with section 41;*
- (f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;*
- (g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;*
- (h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;*
- (i) public access to the information is provided under the Financial Administration Act;*

- (j) *the information is about expenses incurred by a third party while traveling at the expense of a public body;*
- (k) *the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit; or*
- (l) *the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including*
  - (i) *personal information that is supplied in support of the application for the benefit; or*
  - (ii) *personal information that relates to eligibility for social assistance under the Social Assistance Act or to the determination of assistance levels.*

[35] Subsequent to the College's decision to release additional information as per informal resolution efforts brokered by this Office, all of the remaining information for which the College maintained its claim of section 30 was, in my opinion, correctly withheld. None of the conditions found in section 30(2) were present in the material withheld by CNA, while all of the remaining information withheld by CNA under section 30 met the definition of personal information as set out in the *ATIPPA*. Personal information is defined in section 2(o):

2. *In this Act*

- (o) *"personal information" means recorded information about an identifiable individual, including*
  - (i) *the individual's name, address or telephone number,*
  - (ii) *the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,*
  - (iii) *the individual's age, sex, sexual orientation, marital status or family status,*
  - (iv) *an identifying number, symbol or other particular assigned to the individual,*
  - (v) *the individual's fingerprints, blood type or inheritable characteristics,*

- (vi) *information about the individual's health care status or history, including a physical or mental disability,*
- (vii) *information about the individual's educational, financial, criminal or employment status or history,*
- (viii) *the opinions of a person about the individual, and*
- (ix) *the individual's personal views or opinions;*

[36] With respect to the missing pages, CNA notes in its submission that the Applicant forwarded to this Office a spreadsheet showing, by page number, these pages within each of the six versions of the seven page document. It is notable that, according to the Applicant, one version of the document was provided in its entirety, while the others were missing certain pages. The variation in terms of content among the six versions is quite minor, and I think it can be said that even if the Applicant had not discovered the discrepancy, she would not have been significantly prejudiced given the very slight differences from document to document.

[37] The other thing which I think bears discussion here, is that there certainly is no evidence of any intentional act on the part of CNA to deny access to any pages of the record in relation to the Applicant's discovery of pages being missing. The pages which were missing from the disclosure to the Applicant were part of a larger set of pages which were initially withheld by CNA. During the informal resolution process these pages were reviewed by this Office, and a proposal was made to CNA that they should be released, because the argument for withholding them did not appear to be strong, and releasing the pages at that time might assist in settling the matter informally. CNA agreed to release the pages. CNA could have disagreed, and held to its original decision, but chose not to. The particular pages which were found to be missing, in the context of the entire set of responsive records in this review, were not, in my view, particularly sensitive. Furthermore, some of the missing pages varied in very minor ways from version to version of the document, and there was nothing particularly more sensitive in the pages which were received by the Applicant versus those which were discovered to be missing.

[38] In addition, the pages throughout the responsive record were hand numbered by CNA. The Applicant was able to identify the missing pages by their page numbers. Also, the six documents

containing the missing pages contained their own page numbering, from one to seven. It would have been quite obvious to the Applicant that these pages were missing, and also quite impossible for CNA to have withheld these pages intentionally without a strong expectation that they would be discovered to be missing.

[39] The Applicant commented in her submission that she does not believe it is appropriate that the onus is on her to detect whether CNA has failed to disclose copies of responsive records to which she is entitled. This issue has been dealt with in previous Reports produced by this Office, which I will not reproduce in great detail. While this is unfortunate from the Applicant's point of view, in those prior Reports I have observed that this is recognized to be the only practical way for this detection to occur. In my Report 2006-003 my comments were as follows:

*As I noted in my Report 2005-006 (also in relation to CNA), adequacy of search with regard to access to information requests has been dealt with by other jurisdictions in Canada. In Ontario Order M-909, the Inquiry Officer commented that*

*Although an appellant will rarely be in a position to indicate precisely which records have not been identified in an institution's response to a request, the appellant must, nevertheless, provide a reasonable basis for concluding that such records may, in fact, exist.*

[40] Although my previous comments on this matter have largely focused on the adequacy of a search conducted by a public body, the Applicant's role in recognizing when a record may be incomplete remains not only valid but essential. Although this role can, and has been, played by the Commissioner's Office as well, the Applicant is sometimes better positioned to know whether such is the case.

[41] Section 9 of the *ATIPPA* sets out the duty to assist:

*9. The head of a public body shall make every reasonable effort to assist an applicant in making a request and to respond without delay to an applicant in an open, accurate and complete manner.*

[42] In my view, when CNA agreed to provide certain additional pages of the responsive record to the Applicant as part of the informal resolution process, but then failed to provide some of those pages, there was a failure to respond in an “accurate and complete” manner, which is a partial failure of the duty to assist. The duty to assist, in my view, involves dealing with applicants with due care and diligence, even when those dealings may occur after a Request for Review has been filed, and this Office is involved in brokering an informal resolution. It is essential to the basic purpose of the *ATIPPA* that applicants can count on public bodies to fulfil their commitments, particularly in such an essential element as providing access to the pages of a record which they have agreed to provide. Failure to do so undermines confidence in the entire process.

[43] While this is a relatively minor incident, there is nonetheless a duty on the part of public bodies to ensure that records designated for release to an applicant are accurate and complete. In this case, a simple scan of the records prior to release would have avoided any question of CNA’s fulfillment of its duty to assist.

## V CONCLUSION

[44] Although the Applicant proposes a greater degree of inquiry than I have undertaken, I do not believe that extensive testing and analysis of CNA’s photocopier, nor other forms of audit, are necessary. The bottom line is that CNA is responsible to provide access to a complete copy of the records which it has agreed to provide, whether CNA’s decision was made initially or later on as part of an informal resolution process brokered by this Office. It is CNA’s responsibility to ensure that it has the means to comply with the *ATIPPA*, including the provision of a complete and accurate copy of any record to which an applicant is entitled. Given CNA’s history with this Office, by which I refer to a number of my previous Reports which have found the College’s level of compliance with the *ATIPPA* to be wanting, I would have expected a greater effort to ensure the completeness and accuracy of its response in this case. Photocopy error is, at the end of the line, human error, because it is CNA staff who are responsible for checking the accuracy and completeness of any set of records or correspondence sent to an Applicant under the *ATIPPA*. CNA asserted that the standard by which a public body must be judged when it comes to the duty to assist is reasonableness, as opposed to a standard of perfection. I agree. Given the

relatively small number of records, I believe it would have been reasonable for CNA to spend a few minutes checking the records to see whether they had been photocopied correctly, and that no pages were missing.

## **VI RECOMMENDATIONS**

[45] I find that the College of the North Atlantic has been deficient in fulfilling its duty to assist under section 9 of the *Access to Information and Protection of Privacy Act* with respect to its error which resulted in the Applicant being given an incomplete copy of the records to which she is entitled and which CNA agreed to provide to her. When CNA was informed of this error, an apology was issued and a copy of the missing records was provided to the Applicant. As a result, I further find that CNA has appropriately severed all records and that the Applicant has received the records to which she is entitled.

[46] Under authority of Section 49(1) of the *ATIPPA*, I hereby make the following recommendation:

1. That the College review all records prior to disclosure to an applicant in order to ensure that all pages of the record to which the applicant is entitled are disclosed.

[47] Under authority of section 50 of the *ATIPPA*, I direct the head of the College of the North Atlantic to write to this Office and to the Applicant within 15 days after receiving this Report to indicate the College's final decision with respect to this Report.

[48] Please note that within 30 days of receiving a decision of the College of the North Atlantic under section 50, the Applicant may appeal that decision to the Supreme Court of Newfoundland and Labrador, Trial Division in accordance with section 60 of the *ATIPPA*.



[49] Dated at St. John's, in the Province of Newfoundland and Labrador, this 7th day of August, 2007.

Philip Wall  
Information and Privacy Commissioner  
Newfoundland and Labrador