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www.nlh.nl.ca

April 13, 2022

VIA EMAIL

Attention: [REDACTED]

Dear: [REDACTED]

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/258/2022)**

On March 16, 2022 Newfoundland and Labrador Hydro, Nalcor Energy Marketing Corporation and Churchill Falls (Labrador) Corporation Limited received your request for access to the following records/information:

*Total number of employees within the organization, total number of employees by site or work location, including total number of employees on administrative leave by site or work location as a result of the covid-19 mandatory vaccine policy.*

I am pleased to inform you that your request for access to these records has been granted in part. Access to remaining records, and/or information contained within the records, has been refused in accordance with the following exception to disclosure as specified in the *Access to Information and Protection of Privacy Act* (the "Act"):

**Section 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.

As required by Section 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. You will note that we have not disclosed the total number of employees on administrative leave by site or work location but have provided an aggregate number for the organization. Given the low numbers of same, disclosing by work site or location has the potential to identify individuals and as such only aggregate numbers have been provided as indicated.

Please see Appendix A, attached hereto for the information that is responsive to your request.

In keeping with our standard practice, it is our intention to post this letter on the Newfoundland and Labrador Hydro website.

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 copy of this section 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.

The appeal may be addressed to the Information and Privacy Commissioner 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 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 has been enclosed for your reference).

If you have any further questions, please contact me by telephone at (709) 733-5346 or by email at [CassandraHearn@nlh.nl.ca](mailto:CassandraHearn@nlh.nl.ca).

Sincerely,

*Cassandra Hearn*

Cassandra Hearn  
Access and Privacy Officer

**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).

### Appendix A: Responsive records

- Q. Provide the total number of employees within the organization, total number of employees by site or work location, including total number of employees on administrative leave by site or work location as a result of the covid-19 mandatory vaccine policy.**
- R. See below table reflecting the total number of employees within the organization by line of business and work location as of pay period end date March 20, 2022.**

As of March 20, 2022, there were six (6) employees on unpaid administrative leave as a result of non-compliance with Hydro's Mandatory Vaccination Policy. Of the six (6), four (4) are in our non-regulated lines of business and two (2) are in regulated NL Hydro.

#### Employee\* Count by Line of Business and Location (as of March 20, 2022)

Company (Line of Business)	Location (Cheque Location)	Total
Churchill Falls (Lab.) Corp.	Churchill Falls	259
	Exploits Generation	1
	Hydro Place	2
	Soldier's Pond	1
<b>Churchill Falls (Lab.) Corp. Total</b>		<b>263</b>
Nalcor Energy	Bishop's Falls	1
	Happy Valley	2
	Hydro Place	162
	Menihek	1
	Muskrat Falls Site	42
	Soldier's Pond	67
<b>Nalcor Energy Total</b>		<b>275</b>
Nalcor Energy Marketing Corp.	Hydro Place	23
<b>Nalcor Energy Marketing Corp. Total</b>		<b>23</b>
Newfoundland & Labrador Hydro	B D'Esp Plant	83
	Baie Verte	3
	Bishop's Falls	89
	Black Tickle	4
	Burgeo	3
	Cartwright	2
	Cat Arm Plant	3
	Central Region	1
	Charlottetown	2
	Churchill Falls	1
	Deer Lake	6
	Exploits Generation	48

Flowers Cove	2
Fogo	3
Francois	2
Grey River	2
Happy Valley	40
Hinds Lake Plant	4
Holyrood Plant	99
Hopedale	3
Hr. Breton	4
Hydro Place	296
La Scie	1
L'Anse Au Loop	5
Lapoile	1
Makkovik	3
Mary's Hr.	9
Mccallum	2
Muskrat Falls Site	1
Nain	2
Natuashish	2
Northern Region	2
Paradise River	2
Port Hope Simpson	2
Port Saunders	18
Postville	1
Ramea	4
Recontre East	1
Rigolet	3
Rocky Harbour	3
Roddickton	2
Springdale	7
St. Anthony	18
St. Brendans	2
St. Lewis	3
Star Lake	1
Stephenville	19
Upper Salmon Plant	1
Wabush	11
Whitbourne	25
Williams Hr.	1
Woody Point	2
<b>Newfoundland &amp; Labrador Hydro Total</b>	<b>854</b>
<b>Grand Total</b>	<b>1415</b>

**NOTE**

\* Employee count reflects active employees at payperiod ending date of March 20, 2022, and excludes employees who are on unpaid leave (i.e., Maternity, Parental, Long Term Disability, or Unpaid Admin Leave, etc.) and seasonal employees not yet recalled.

