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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/259/2022)

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:

Number of confirmed cases of covid-19 within the workplace broken down by work site or location from March 2020 to December 17, 2021, reported by quarter. Number of confirmed cases of covid-19 within the workplace broken down by work site or location from December 18, 2021 to present.

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 where COVID-19 case counts were under 10 in a given work site or location, aggregate numbers for the organization were provided. Therefore, for the years 2020 and 2021, aggregate COVID-19 case counts (subject to the limitations expressed in Appendix A attached hereto) are reported in biannual increments. Disclosing by work site or location has the potential to identify individuals and as such only aggregate numbers for the organization for such years have been provided. For the year 2022, we have disclosed the COVID-19 case count (subject to the limitations expressed in Appendix A attached hereto) by geographic region for the first quarter.

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.

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. Number of confirmed cases of covid-19 within the workplace broken down by work site or location from March 2020 to December 17, 2021, reported by quarter. Number of confirmed cases of covid-19 within the workplace broken down by work site or location from December 18, 2021 to present.

R.

| Work Region | Q1*/Q2 | Q3/Q4** | TOTAL |
|-----------------------|------------|-----------|------------|
| 2020 | | | |
| Combined | 11 | 10 | 21 |
| 2021 | | | |
| Combined | 15 | 25 | 40 |
| 2022 (Q1 only) | | | |
| Central | 61 | N/A | 61 |
| Western/Northern | 16 | N/A | 16 |
| Labrador | 83 | N/A | 83 |
| Eastern | 118 | N/A | 118 |
| TOTAL | 304 | 35 | 339 |

* Q1 data for 2022 includes cases reported on and after Dec 17, 2021.

** Q4 data for 2021 includes cases up to Dec 16, 2021

Notes on data provided:

- Cases are self-reported. Confirmation of positive test result was not validated or confirmed for most cases.
- 2022 data may underestimate case counts as many people who were infected with COVID-19 were able to work from home without reporting the use of pandemic sick leave.
- 2020/2021 case counts may be overestimated since employees were reporting pandemic sick leave for any symptoms associated with COVID-19.
- Case counts reflect individual employee COVID-19 cases such that each individual is only counted once in this dataset.
- Case counts by work location and/or by time period that are less than 10 are aggregated as detailed on the Response Letter.
- Case counts are up until March 25, 2022.

