

August 19, 2025

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/831/2025)

On June 20, 2025, we received your request for access to the following records/information:

Information that the head of the public body has cited publicly within the meaning of S. 29(2) of the ATIPPA, 2015 (the screenshot of <https://vocm.com/2025/06/19/nl-hydro-says-no-expense-spared-in-parsing-through-hydro-mou/> is attached) as the basis for making a decision to finalize the MOU reached with Hydro Quebec on the Upper Churchill and future hydro developments in Labrador by April 2026:

- 1. Names of the consultants "that helped us before to continue on with us" and their affiliation (e.g., the law firms the consultants work for),*
- 2. Timelines for the process of finalizing the MOU,*
- 3. Expenses incurred to date in the process of finalizing the MOU on "legal resources" ("we are sparing no expense")*

On July 17, 2025, you were notified of a 15 day time extension and on August 11, 2025, you were notified of a 5 day time extension, approved by the OIPC.

Please be advised that access to the records responsive has been granted, in part, in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the ATIPPA):

Section 30(1)(a): The head of a public body may refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a public body.

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
Email: commissioner@oipc.nl.ca

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) 725-4859 or by email at cassandrahearn@nlh.nl.ca

Sincerely,

Cassandra Hearn

Cassandra Hearn
Access & 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

The following information for Question 1 & Question 2 is publicly available on the Our Chapter website: <https://www.ourchapter.ca>

Question 1: Names of the consultants "that helped us before to continue on with us" and their affiliation (e.g., the law firms the consultants work for).

Response: Consultants include:

J.P. Morgan, Power Associates, Nicolas Bossé, Crestview Consultants, Stikeman Elliot, and McInnes Cooper.

Question 2: Timelines for the process of finalizing the MOU.

Response: The timeline for the MOU and subsequent agreements is as follows: MOU Signed: December 12, 2024. Definitive Agreement Negotiations: Began in early 2025. Target for Completion: 2026.

Question 3: Expenses incurred to date in the process of finalizing the MOU on "legal resources" ("we are sparing no expense").

Response: Records responsive to this portion of the request is withheld under section 30(1)(a): The head of a public body may refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a public body.