

September 16, 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/1058/2025)

On August 18, 2025, we received your request for access to the following records/information:

Metadata (information that identifies the creator, origin and destination of the electronic information, the date and time when it was created, sent or received, see S. 4.1 of the Management of Information Act) of the following records stored in the electronic document and records management system used by NL Hydro, including emails:

- 1. Records containing at least one keyword from the list: "McInnes," "Connors" [Gregory], "Wadden" [Anna], "Stratton" [Darren], "Mahoney" [Denis], "@mcinnescooper.com."*
- 2. Records containing at least one keyword from the list: "McKelvey," "Samms" [John], "Ryan" [Maureen], "Grant" [Robert], "Rubin" [Nancy], "Leard" [Neal], "Brodeur" [Gabriel], "@stewartmckelvey.com."*
- 3. Contracts or agreements signed with McInnes Cooper and Stewart McKelvey along with attachments, if any.*
- 4. Payments to McInnes Cooper and Stewart McKelvey for services delivered, including the retainer, if any. Period covered: preparing, discussing and drafting an agreement guaranteeing Quebec's access to existing Churchill Falls power generation and the addition of new production through increased capacity at the existing facility, a new generation station on the Churchill Falls site, and a new facility at Gull Island and the individual projects in the agreement.*

On September 3, 2025, you were notified that with approval from the Information and Privacy Commissioner, to disregard part 1 and 2 of your request in accordance with section 21(1)(iii):

21(1) The head of a public body may, not later than 5 business days after receiving a request, apply to the commissioner for approval to disregard the request where the head is of the opinion that (iii) excessively broad or incomprehensible.

Please be advised that the records responsive to part 3 and 4 of your request have been withheld in accordance with the following exception 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).