



Hydro Place, 500 Columbus Drive,
P.O. Box 12800, St. John's, NL
Canada A1B 0C9
t. 709.737.1440 f. 709.737.1800
nalcorenergy.com

June 17, 2016

[Redacted] 40(1)

VIA EMAIL

Attention: [Redacted] 40(1)

Dear [Redacted] 40(1)

Re: Your requests for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File # PB/412/2016)

On May 26, 2016, Nalcor Energy received your request for access to the following records:

- Ed Martin's termination letter.
- Any correspondence regarding a legal opinion on Mr. Martin's severance payment.
- Any correspondence regarding Mr. Martin's resignation.

On June 3, 2016, the third aspect of request PB/412/2016 was narrowed to "any correspondence between Mr. Martin, the Nalcor Board, and the Premier's office between April 1 and 21 relating to Mr. Martin's termination."

Please be advised that Nalcor Energy does not have any records that are responsive to the first two portions of your request. With respect to your third request, this portion has been granted in full. Please see the attached record.

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* (the *Act*). 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 address and contact information of the Information and Privacy Commissioner is as follows:

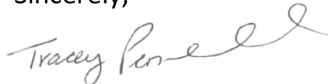
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

If you have any further questions, please contact me by telephone at (709) 737-6671 or by email at traceypennell@nalcorenergy.com.

Sincerely,

A handwritten signature in cursive script that reads "Tracey Pennell".

Tracey L. Pennell
ATIPP Coordinator

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).



Nalcor

ken marshall to: premier, dwightball, siobhancoady
Cc: EMartin, Tom Clift, g.shortall, labass

04/20/2016 08:55 AM

History: This message has been forwarded.

Premier and Minister

As I advised last week I have convened a meeting of the Nalcor Board this morning, and all members have travelled to be in attendance

I understand that in your meeting with the Nalcor CEO last night that an agreement was reached regarding the CEO's departure from Nalcor and associated entities. Given that as proper governance would dictate, the CEO's employment contract rests squarely with the Board, the Board will be meeting on this matter and the resultant employment contract obligations as one of the items of business this morning.

Second, as we discussed, the Board will be reviewing and voting on the Short Term Incentive program for 2015. As I advised, the Board has a responsibility to the organization. Yes to the shareholder, yes to the employees, yes to the public, and over arching to the Corporation. As such, the matter of contractual obligations with compensation matters have to be dealt with by the Board. Should government, in its capacity as shareholder disagree with the Board, government will presumably take the requisite steps to amend, however in the interest of the organization we will make what we feel is the just and proper decision

Third, the Board will be discussing an en masse resignation in light of these matters. Clearly, by reaching directly through to the CEO and deciding employment continuation, and from the recent Budget speech, government does not have proper confidence in the Board to continue in its duties and role. I can speak for all individuals on the Board that to a member, all have acted with proper and due care for the long term benefit of the organization and the people of this province.

I trust we will further discuss these matters either prior to or after our Board meeting. If there is anything you wish me to bring to the meeting scheduled for 10am this morning, please advise

Ken