

May 9, 2024

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: EDU/060/2024)

On April 11, 2024 the Department of Education (the Department) received your request for access to the following records/information:

“The total number of recorded behavioral incidents with students by year in K-12 as far back as data exists”

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department of Education to provide access to some of the requested information. The Department has determined that behavioral incidents of 5 or less could possibly identify a student. This is commonly known as the “mosaic effect”, when a combination of portions of data produce a picture that was not apparent from the individual pieces. All incidents of 5 or less have been redacted under section 40 of the Access to Information Act, 2015.

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.

While interpreting the data please keep the following information in mind. A behavior as it relates to the corresponding number of incidents may not reflect how many separate incidents occurred in a given year. For example, hazing on page 2 which has the number of incidents listed as 10 does not mean we had 10 separate incidents of hazing, it could mean we had one hazing incident that involved 10 people. As well, the 2015-2016 year was the first year and we are uncertain how many schools participated as it was a pilot year. Similarly, 2019-2020 was a partial due to the Covid 19 shutdown and the current year is a partial year as the request for data was up to April 11, 2024.

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 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 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 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 feel free to contact the undersigned by telephone at (insert phone number) or by email at ATIPP-EDU@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink that reads "Jackie Crane". The signature is written in a cursive, flowing style.

ATIPP Coordinator

Attachment