



Highways and Public Works
PO Box 2703, Whitehorse, Yukon Y1A 2C6

Via Secure File Transfer e-mail

November 28, 2023

Complainant:

Re: Notice of Response on Recommendations – ATP-ADJ-2023-05-183 on Request #22-650

On November 6, 2023, the Public Body received the Information and Privacy Commissioner's Investigation Report, which provided the following recommendation:

1. The Adjudicator recommended that the Department head provide the Complainant with access to the Records to which they are entitled, except for those required to be withheld.

We respectfully disagree with the adjudicator's determination to provide access to all records indicated in the report. It is our view that releasing this information will harm third party business information as the third parties have advised the public body that this commercial and financial information is proprietary and could reasonably be expected to harm the competitive position of the third parties. Disclosing information as recommended in the report will also harm the financial interests of the public body as similar information must be supplied to allow for a competitive bidding process and this disclosure will harm the Yukon Government's financial position in its ability to manage the evaluation of tender information from the contracting industry.

In accordance with paragraph 105(1)(a) of the *Access to Information and Protection of Privacy Act*, the Complainant may apply to the Court for a review of the decision to reject the recommendation not later than 30 business days after the day this notice is provided.

Sincerely,



Catherine Harwood
Deputy Minister
Department of Highways and Public Works