



INQUIRY RESPECTING THE TREATMENT, EXPERIENCES AND OUTCOMES OF INNU IN THE CHILD PROTECTION SYSTEM

POLICY MANUAL *Operations & Administration*

JUNE 2025

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POLICY STATEMENT

This Policy Manual strives to establish clear and concise guidance for Officials (Commissioners, Counsel, and Staff) of the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System (the “Inquiry”) in a variety of areas that comprise the daily operations of the Inquiry, and to support Officials’ discharge of their roles and responsibilities, individually and collectively, with the Inquiry. Any questions on the application or interpretation of an Inquiry Policy set out in this Policy Manual should be directed to the Lead Executive Officer of the Inquiry.

Except where otherwise specified or modified by one or more policies in this Policy Manual, the administration and operations of the Inquiry will be guided by and informed by the Government of Newfoundland and Labrador’s *Human Resources Policy Manual* (<https://www.gov.nl.ca/exec/tbs/working-with-us/policies/>) (“TB policies”) and IM Policy Framework (<https://www.gov.nl.ca/exec/ocio/im/policy-instruments/>) (“OCIO policies”). All Inquiry Officials are encouraged to, and expected to, familiarise themselves with these policy documents and their constituent parts. Any questions on the application or interpretation of a specific GNL policy, directive or guideline to the Inquiry or its operations should be directed to the Lead Executive Officer of the Inquiry.

Without limiting the generality of the foregoing, Inquiry Officials are encouraged to take special heed of the following TB and OCIO policies:

- [Acceptable Use of the Government Network and/or Information Technology Assets](#)
- [Adverse Weather Conditions and States of Emergency Policy](#)
- [Harassment-Free Workplace Policy](#)
- [Information Management and Protection Policy](#)
- [Mobile Devices for Government Employees](#)
- [Occupational Health and Safety Policy](#)
- [Respectful Workplace Program](#)
- [Scent Policy](#)
- [Use of Non-Government Email Accounts for Work Purposes](#)

ELDERS AND KNOWLEDGE-KEEPERS

Honouring and Respecting

The Terms of Reference for the Inquiry provide that the Inquiry shall, to the greatest extent possible, be guided by the principles of truth-telling, acknowledging, and restoring, and shall include mechanisms both formal and informal. As contemplated by the Rules of Procedure, those formal and informal mechanisms are expected to include individual, small-group, and community meetings, in addition to formal, legalistic hearings.

In order to support the Commissioners in achieving their mandate, the Commissioners may ask to speak to or hear from Innu Elders or Knowledge-Keepers, in either informal or formal settings.

In all instances, Inquiry officials will be guided by the principle of “do no further harm”. However, the Commissioners understand that even asking an Elder or Knowledge-Keeper to participate in such a manner can have an impact on that Elder or Knowledge-Keeper. As such, the Commissioners commit to only making such requests where they believe that the wisdom, insight, expertise or perspective of the Elder or Knowledge-Keeper will assist the Commissioners in achieving their mandate, and will be minimally-impactful on the Elder or Knowledge-Keeper.

Although all efforts will be undertaken to minimise or avoid impacts on Elders or Knowledge-Keepers that choose to participate in the Inquiry, no participation can be without impact. Accordingly, the Commissioners commit to ensuring mental health and trauma-informed counselling supports are available to Elders and Knowledge-Keepers both before, and at any point after, their participation.

Honoraria and Expenses

The Innu Round Table Secretariat has developed a policy on Honoraria, and the Commissioners note and adopt its wisdom where it expresses that **“Elders are never “paid” for their “work” as it would be culturally inappropriate to appear as though they are “selling” Indigenous knowledge. Traditional Indigenous and cultural knowledge is not, and cannot be, owned by an individual or institution.”**

Wherever an Elder or Knowledge-Keeper agrees to support the Commissioners, or the Inquiry, their participation will be honoured, and gratitude will be expressed for their support, through the conveying

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of an honorarium in the amount of \$250 for up to a half-day, and \$500 for a full day, of their time and wisdom.

As noted above, any Honorarium will be provided as a measure of gratitude from the Commissioners to the Elder or Knowledge-Keeper, and not as payment for services or reimbursement of expenses incurred. Any costs incurred by the Elder or Knowledge-Keeper in providing their time and wisdom, such as travel expenses, shall be reimbursed in accordance with the Inquiry's Travel Expenses Policy, and not be defrayed by or set-off against any Honorarium.

EXTERNAL RELATIONS

Consistency of messaging is critical in external relations and communications. This importance is paramount for the Inquiry, given the subject-matter of the Commissioners' mandate.

It behoves Inquiry Officials to strive for respectful public messaging about Inquiry proceedings and developments that is informed by the sensitivity and importance of the subject-matter of the Inquiry. The Inquiry strives to do no further harm; this must be the primary consideration when communicating with or to the Innu communities or individuals.

It is further incumbent upon Inquiry Officials to strive for clear and concise messaging when promoting the work of the Inquiry to the broader public in Newfoundland and Labrador, and throughout Canada, bearing in mind the levels of existing information, knowledge and awareness amongst the public at-large respecting Indigenous issues in general, and the Innu in particular.

The Lead Executive Officer shall develop an internal Communications Plan for each Inquiry proceeding. The draft Communications Plan will be shared with all Inquiry Officials **no less than four weeks** before each Inquiry proceeding, and shall be finalised and approved by the Commissioners **no less than two weeks** before the proceeding.

Following approval of the Communications Plan, the Lead Executive Officer shall develop Media Advisories as appropriate, based upon the approved Communications Plan, and shall furnish Inquiry Officials with Key Messages and other communications materials as may be needed or appropriate.

All requests for information or comment from external parties, including the media, shall be forwarded to the Lead Executive Officer to collaborate with Inquiry Counsel on the development of an appropriate response for the Commissioners' approval.

FINANCIAL MANAGEMENT

The *Public Inquiries Act, 2006*, under which the Inquiry is commissioned, requires compliance with the provisions of the *Financial Administration Act* relating to expenditures by departments and agencies of the Government of Newfoundland and Labrador.

The Inquiry is funded from the Provincial Treasury, pursuant to budgetary appropriations made by the Provincial legislature. There is a resultant expectation and requirement that all Inquiry Officials shall conduct themselves in a manner that is consistent with proper and prudent stewardship of public trust and public funds, including the effective, efficient, and economical use of public resources.

Compliance with the *Financial Administration Act* requires the Inquiry to adopt and apply internal control measures that ensure that:

- i. no financial commitment may be made without the Lead Executive Officer first confirming that sufficient funds are available to meet that financial commitment; and,
- ii. no payment may be made in satisfaction of a financial commitment without the Lead Executive Officer first certifying the payment.

Consequently, Inquiry Officials do not have the authority to make financial commitments on behalf of the Inquiry, and do not have the ability to make any expenditure of Inquiry funds, without the approval of the Lead Executive Officer. This includes, but is not limited to, financial commitments or expenditure of funds related to the procurement of goods and services (see below), and the retention of internal or independent human resources (see the Inquiry's Human Resource Policy).

The Inquiry has developed and implements internal controls which operate to support and secure the prudent stewardship of Inquiry funds. These controls ensure the reliability and integrity of the Inquiry's financial information; compliance with procedures, policies, and legislation; and, the effective, efficient, and economical use of Inquiry funds. All Inquiry Officials are expected to play a role in ensuring adherence to internal controls, including authorising transactions (upon request), respecting the segregation of duties, and supporting documentation and reporting controls.

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All requests for the Inquiry to make financial commitments or expenditure of Inquiry funds must be made to the Lead Executive Officer in writing.

Inquiry Officials that are authorised from time to time by the Lead Executive Officer to make expenditures on behalf of the Inquiry must exercise that authority in a manner that is consistent with the Inquiry's commitment to effective, efficient, and economical use of public resources.

Inquiry Officials should be mindful of the legislative prohibition against making financial commitments that span fiscal years, or that impose a financial commitment upon the Inquiry in a subsequent fiscal year. The Lead Executive Officer may not authorise financial commitments or expenditures of Inquiry funds in future fiscal years.

The Lead Executive Officer is responsible for all Inquiry acquisitions of goods and services, and will ensure compliance with the *Public Procurement Act*. The Inquiry is bound by the procurement processes and spending thresholds applicable to the acquisition of goods and services that are outlined in the *Public Procurement Act*, and in the Public Procurement Policy:

- Open Calls for Bids will be employed where the Inquiry is procuring goods or services valued at \$33,400 or more, or \$133,800 or more, respectively; and,
- Limited Calls for Bids may be employed where an Open Call for Bids elicits no responses, or where the Inquiry is procuring goods valued at between \$10,000 and \$33,400, or services valued at between \$10,000 and \$133,800, where there is more than one source reasonably available for the goods or services.

HEARING/MEETING PLANNING

As outlined in the Rules of Procedure, the Inquiry will employ a variety of methods of truth seeking to support the Commissioners in the discharge of their mandate. These methods include, but may not be limited to, Community and Private meetings; Formal Hearings; Investigation Hearings; and, Roundtables.

At all times, the Inquiry will strive to conduct its business in Labrador, in Sheshatshiu and Natuashish. The Commissioners do not anticipate convening Inquiry proceedings in St. John's, but are amenable to requests from individuals to convene private meetings or interviews in St. John's.

Given the Inquiry is based in St. John's, but anticipates conducting the quasitotality of its formal, public events in Labrador, significant planning and coordination is required by Inquiry Officials both in St. John's and in the Innu communities, to ensure Inquiry proceedings are conducted with an appropriate level of professionalism, and in a manner which is culturally appropriate and respectful.

An internal tool, a template "Planning Guide", has been developed to guide Inquiry Officials in preparing for Inquiry proceedings in Labrador. The Lead Executive Officer shall customise the Planning Guide for each Inquiry proceeding, and disseminate to all Inquiry officials **no less than four weeks** before each Inquiry proceeding, to ensure substantive and logistical preparations for each proceeding.

The Lead Executive Officer shall invite all Inquiry Officials to a planning meeting which shall be convened before the proceeding, and at which the Planning Guide will be reviewed, and roles and responsibilities thereunder confirmed or assigned. At the planning meeting, Inquiry Officials shall schedule a debriefing meeting, to be convened within one week of the conclusion of the proceeding, except where extenuating circumstances compel otherwise.

HUMAN RESOURCE MANAGEMENT

Where a need for internal or independent human resources or expertise is identified by Inquiry Commissioners, Counsel or Staff, that need shall be brought to the attention of the Lead Executive Officer, who shall take steps to identify and recruit human resources that meet the identified need.

The Lead Executive Officer shall retain internal or independent human resources through a contract of employment, which shall be predicated upon the work of the Inquiry as a specific project of limited duration.

All employment contracts or arrangements shall be in accordance with prevailing Treasury Board policies and procedures respecting the retention of staff, and expenditures related to employment contracts or arrangements shall be consistent with the Inquiry's Financial Management Policy and with the provisions of the *Financial Administration Act*.

All Inquiry officials shall report to the Lead Executive Officer on an administrative basis; however, the Lead Executive Officer and Inquiry Counsel may recommend to the Commissioners operational reporting relationships which ensure the substantive needs of the Commissioners are met on both daily and ongoing bases.

INFORMATION MANAGEMENT PLAN

The Inquiry is a public body for the purposes of the *Management of Information Act* (the MOIA), and Inquiry Officials are consequently bound to adhere to the requirements of that statute.

The MOIA requires public bodies to implement a records and information management system, or information management program, to guide the management of records created or received by the public body in the conduct of its affairs.

This Information Management section of the Inquiry Policy Manual shall comprise the Inquiry's record management system, or "IM Plan", for the creation, classification, retention, storage, maintenance, retrieval, preservation, protection, disposal, and transfer of Inquiry records.

This IM Plan has been developed in consideration of information and records management policies, directives, standards, guidelines and procedures established by the Government of Newfoundland and Labrador for the management and protection of "government records", as that term is defined in the MOIA. Except in instances of direct conflict, the provisions of this IM Plan are complementary to, and not in replacement of, Government's "Information Management and Protection Policy".

Except where explicitly stated otherwise, the provisions of this IM Plan do not apply to documents upon them being designated as "Exhibits" and publicly disclosed in accordance with the Rules of Procedure.

Record Management

An "Inquiry record" is any correspondence, memorandum, form, paper, parchment, manuscript, map, plan, drawing, painting, print, photograph, magnetic tape, computer disc, microform, electronically produced document and other documentary material regardless of physical form or characteristic.

Records **produced by** Inquiry Officials shall be registered as Inquiry records in the Inquiry's HPE-RM (TRIM) instance. Records **received by** Inquiry Officials shall be shared with the Inquiry's Records Analyst, who shall ensure each such Inquiry record is registered in the Inquiry's HPE-RM instance.

Cabinet Records

Notwithstanding any other provision of this IM Plan, the following provisions apply to all Cabinet Records disclosed to the Inquiry by the Government of Newfoundland and Labrador.

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Cabinet Records are defined in s. 2(a.2) of the MOIA as “a record that

- (i) is advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet,
- (ii) is draft legislation or regulations submitted or prepared for submission to the Cabinet,
- (iii) is a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet,
- (iv) is a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material,
- (v) is an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet,
- (vi) is used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy,
- (vii) is created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet,
- (viii) is created during the process of developing or preparing a submission for the Cabinet, and
- (ix) a portion of which contains information about the contents of a record within a class of information referred to in paragraphs (i) to (viii)”.

Section 5.4(1) of the MOIA provides that “Cabinet records shall be managed in the manner determined by Cabinet Secretariat.”

Cabinet Secretariat has outlined the following protocols for the management of Cabinet Records, which the Inquiry accepts and hereby adopts:

1. Cabinet Records are not intended for general circulation and access is on a need-to-know basis.
2. Utmost responsibility and diligence must be exercised when considering security pertaining Cabinet Records - paper and electronic copies must be secure at all times.
3. Faxing or emailing of Cabinet Records is not permitted. Only shared network folders or Managed File Transfer may be used to transmit Cabinet Records.
4. Only GNL computers may be used to access the network offsite, using a VPN Remote Access account. GNL computer devices must not be left unattended, including in personal vehicles.

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Security and Control

Many Inquiry records will contain personal or identifying information, or will contain sensitive information, the dissemination or inappropriate public disclosure of which could not only violate individual or collective privacy rights or expectations, but also impinge upon individual or collective mental health and well-being. It is therefore crucial that Inquiry records be afforded and accorded the highest level of security and control to ensure the preservation of their confidentiality.

Inquiry records must be protected at all times from unauthorised access, deploying all reasonable means to do so. Digital access to Inquiry records will only be granted to Inquiry Officials, except where access to an Inquiry record is otherwise authorised by the Lead Executive Officer.

Inquiry records will comprise only the digital version of the record. Inquiry Officials may produce physical copies of Inquiry records for their individual working purposes; any such working copy does not constitute an Inquiry record, and shall be disposed of after its utility as a working copy has elapsed.

For further guidance and information on the Inquiry’s approach to information security and control, please see Directive – Information Security and Control, at page 13.

Transitory Records

A transitory record is defined in the MOIA as being a record “of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record.”

Transitory Inquiry records shall be deleted after their transient utility has lapsed.

Shared Drive Management

Until the Inquiry’s HPRM/TRIM instance is operational, the Shared Drive shall be the sole repository for Inquiry records. Following the operationalisation of the Inquiry’s HPE-RM instance, Inquiry records shall be kept only therein.

The Lead Executive Officer will assume responsibility for the management of the Shared Drive, and shall ensure that any Inquiry records in the Shared Drive are registered in the Inquiry’s HPE-RM instance upon

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it becoming operational. Once an Inquiry record in the Shared Drive is registered in the Inquiry's HPE-RM instance, the Lead Executive Officer shall ensure it is deleted from Shared Drive.

No Inquiry Official may:

- i. delete an Inquiry record from the Shared Drive;
- ii. relocate an Inquiry record to another location on the Shared Drive; or,
- iii. add, create, move, rename, delete, or otherwise alter a Folder on the Shared Drive

without the prior approval of the Records Analyst, and without first notifying the Lead Executive Officer.

DIRECTIVE - INFORMATION SECURITY AND CONTROL

This Directive applies to all Inquiry Officials, including consultants and contractors, and is to be used to support Inquiry Officials in their interpretation and application of, and adherence to, the requirements of the Inquiry's "Information Management Plan".

This Directive applies, as does the Information Management Plan, to all Inquiry records, which, for certainty, includes all documents in the Inquiry's physical or digital possession, whether generated by the Inquiry or an Inquiry Official, or produced or disclosed to the Inquiry by a third party.

Wilful non-compliance with this Directive, or contravention thereof through negligence, may result in disciplinary action, up to and including termination of employment/contract.

Questions related to any aspect of this Directive, or any component of the Inquiry's Information Management Plan, should be directed to the Inquiry's Lead Executive Officer in writing.

As set out in the Inquiry's Information Management Plan, Inquiry Officials must deploy all reasonable means to protect Inquiry records from unauthorised access at all times; such means include, at a minimum, strict adherence to the following:

1. Inquiry IT assets must not be left unattended outside an Inquiry Official's home or place(s) of employment.
2. Inquiry Records shall be accessed only by Inquiry Officials.
3. Copies of Inquiry Records may only be produced or disclosed to third parties in accordance with the Rules of Procedure, and with the prior knowledge of the Lead Executive Officer.
4. Inquiry Records will be made available to Inquiry Officials only through access to the Inquiry's Shared (M:) drive; the Inquiry's HPE-RM (TRIM) instance; or, through Kiteworks.
5. All Inquiry work should be done only on Inquiry laptops connected to the Inquiry network either directly (from the Inquiry office) or via the Pulse Secure VPN utility. Inquiry Officials

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may not use any computer not issued by the Inquiry to review or manipulate Inquiry documents.

6. Inquiry documents should be reviewed or manipulated from their location on the Inquiry's shared network (M:) drive or HPE-RM (TRIM) dataset. Copies of Inquiry documents may only be saved to the local drive of an Inquiry-issued laptop or to an Inquiry-issued portable storage medium (e.g., external hard drive; USB flash drive) where those copies have been saved to a folder which has been encrypted through use of the 7-Zip encryption utility.
7. Where an Inquiry Record is saved from the M: drive to the local drive of an Inquiry-issued laptop or to an Inquiry-issued portable storage medium, and any changes are made to the copy of that Inquiry Record on the laptop or portable storage medium, a copy of the amended Inquiry Record must be saved to its original location on the M: drive, and its file name adjusted to make clear the document was amended, and upon what date it was amended.
8. After an Inquiry Record has been returned to the M: drive as contemplated by No. 7 hereof, the copy of that Inquiry Record on the laptop or portable storage medium shall be deleted.
9. Any Inquiry Official that requires the use of a portable storage medium (e.g., USB Drive) must obtain same from the Inquiry's Executive Assistant, who will maintain and control an inventory of such assets. Inquiry Officials may not use their own portable storage medium for Inquiry documents, even if encrypted.

To promote effective internal communication practices, and enhance Inquiry operations and case management, all Inquiry Officials shall monitor their Inquiry email, text, and telephone messages daily, and respond to requests for action, direction, or information in a timely fashion.

SELF-CARE, HEALTH & WELL-BEING

A central tenet of the work of the Commissioners, Counsel, and Officials of the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System is “do no further harm”. The primary focus of the Inquiry in striving to do no further harm is focused upon the Innu, whether Elders and Knowledge-Keepers who support their communities, the family or loved ones of a youth whose death is being Investigated by the Inquiry, community members who share their truth at Community and Private Meetings, or witnesses testifying at Formal Hearings.

However, it is important that the Inquiry not lose sight of the importance of self-care, health, and well-being for and of the Commissioners, Counsel, and Staff. This Policy sets out the Inquiry’s commitment to supporting the mental health and well-being of all persons employed by the Inquiry.

Commitments:

1. The Inquiry’s Lead Executive Officer will ensure training and resources on the promotion of mental health, and the reduction of stigma around mental illness in the workplace, is available to all Inquiry Officials.
2. The Inquiry has confirmed the availability of Employment Assistance and Respectful Workplace Programs to Inquiry Officials. These supports may be accessed at any time at <https://www.gov.nl.ca/psc/earwp/>; the Inquiry’s Lead Executive Officer is available to support Inquiry Officials in accessing these supports.
3. During all in-community Inquiry proceedings, a midweek “check-in” will be scheduled for Inquiry Officials attending the proceedings in-person, to discuss the proceedings to that point, and to allow for discussion or identification of any issues that could impinge upon the mental health and well-being of any Inquiry Official. However, Inquiry Officials are encouraged to reach out to the community’s Team Lead or the community’s clinical professional at any time during any Inquiry proceedings for support.
4. To support the processing of the impacts of hearing difficult and traumatic testimonies and stories during Inquiry proceedings, the Inquiry’s St. John’s office will be closed on the first one-and-one-

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half working days following the conclusion of Inquiry proceedings in the communities, whether Formal Hearings, Community and Private Meetings, or Investigation proceedings.

5. The Inquiry Manager will make a reservation for a mid-morning brunch on the second working day following Inquiry proceedings in the communities. All Inquiry Officials are strongly encouraged to attend. This will also serve as the beginning of the debriefing process from the preceding Inquiry proceedings.
6. A formal debriefing meeting will be convened within 10 working days of the return-to-work after each Inquiry proceedings in the communities. All Inquiry Officials are required to attend, irrespective of whether they attended the proceedings in-person.
7. Each of the Inquiry's biweekly "All-Hands Meetings" will feature a dedicated conversation on self-care and well-being to support the promotion of a healthy workplace and positive mental health and well-being.

All Inquiry Officials are encouraged to suggest additional measures the Inquiry could take to support their individual or collective health & well-being, by communicating any such suggestions directly, or anonymously through submission to the physical Suggestion Box in the kitchen, or the virtual Suggestion Box in the Innu Inquiry Team group on Teams.

TRAVEL EXPENSES

Inquiry Officials that are required to travel in the course of their responsibilities with the Inquiry are entitled to have their travel costs reimbursed in accordance with Treasury Board (GNL) policies governing transportation. All Inquiry Officials are encouraged to, and expected to, familiarise themselves with these policies.

Without limiting the generality of the foregoing, the following apply to travel expenses that may be claimed by Inquiry Officials:

- [Accommodations Policy](#)
- [Automobile Reimbursement Rates for Using a Private Vehicle at Work](#)
- [Meal Rates Policy](#)
- [Miscellaneous Expenses Policy](#)
- [Transportation Policy](#)

Where an Inquiry Official is claiming meals or incidental expenses, pursuant to the Meal Rates Policy or Miscellaneous Expenses Policy, all such claims shall be accompanied by a **Non-Receipt-based Expenses Claim Form**, which may be found in the “Forms” section of this Policy Manual.

Where an Inquiry Official is claiming reimbursement for use of a private vehicle, all such claims shall be accompanied by a **Private Vehicle Usage Report**, which may be found in the “Forms” section of this Policy Manual.

DOCUMENT DISCLOSURE PROTOCOL

Throughout the course of their work, the Commissioners will summons or request documents in relation to the Inquiry mandate. Three parties have General Standing in the Inquiry: the Government of Newfoundland and Labrador; the Government of Canada; and, the Innu representative organisations (i.e., Mushuau Innu First Nation, Sheshatshiu Innu First Nation, and Innu Nation) (the “General Standing Parties”). Three parties have Limited Standing for particular components of the Inquiry: the Office of the Child and Youth Advocate; Nunatsiavut Government; and, the Human Rights Commission (the “Limited Standing Parties”). Six families each have Investigative Standing relating to the six Innu children/youth whose deaths the Commissioners have undertaken to investigate (the “Investigative Standing Parties”). Collectively, these parties are referred to herein as the “Inquiry Parties”.

Summonses may be general in nature, intended to form the foundation of Formal Hearings on Innu history and on child protection, although some documents received by the Inquiry in response to a general summons may be used in the course of one or more of the Investigations. Other summonses will be specific to one or all of the six Investigations, and intended to be relied upon in the conduct of Investigation proceedings.

Summonsed/requested documents may subsequently be disclosed to other Inquiry Parties.

The Inquiry is mindful of privacy considerations that may be associated with summonsed documents, in particular the sensitive nature of the material disclosed in relation to the Investigations, and pursuant to Rule 78 of the Rules of Procedures, will provide the disclosing party with the opportunity to propose redactions to documents before they are disclosed to Inquiry Parties. The Inquiry will review documents through the lens of “do no further harm”, and may make redactions to a document even where that redaction is not identified by the party disclosing the document.

The Inquiry has developed and will strive to apply an objective framework to guide its handling of documents disclosed to it, whether in response to a summons or a request for documents.

The Inquiry’s document handling efforts will be overseen by the Lead Executive Officer in close coordination with Inquiry Counsel, and will be managed by the Inquiry’s Executive Assistant (for s. 4(1) matters) or Legal Assistant (for s. 4(2) matters), in collaboration with the Inquiry’s Records Analyst.

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Inquiry Counsel is responsible for providing direction to Inquiry Officials on the nature and iteration of each document that is required to be disclosed at any time with any party(ies) external to the Inquiry, and for confirming the accuracy of the disclosure package before it is distributed by Inquiry Officials. Specifically, and without derogating from any specifics in the processes set out, below, Inquiry Counsel are expected to adhere to the following process for disclosure of documents to external party(ies):

1. Inquiry Counsel advises the Records Analyst of the documents that are to be disclosed, and requests they be compiled by the Records Analyst;
2. The Records Analyst collects the requested documents from the Inquiry's M: drive and/or HPE-RM (TRIM) instance, and adds them to a new Folder on the M: drive.
3. The Records Analyst sends the link to that Folder to the requesting Inquiry Counsel, cc'ing the Executive Assistant (for s. 4(1) matters) / Legal Assistant (for s. 4(2) matters) to indicate the requested documents had been collected, and requesting their review of the documents to ensure accuracy and comprehensiveness.
4. Inquiry Counsel shall review the contents of the Folder to ensure its contents meet with the requirements of the pending disclosure; where they:
 - a) **do not**, the Inquiry Counsel shall advise the Records Analyst of any identified deficiencies or omissions;
 - b) **do**, the Inquiry Counsel shall, in writing, provide the Executive Assistant / Legal Assistant with the party(ies) to whom the disclosure is to be made.
5. The Executive Assistant / Legal Assistant shall share the documents with the identified party(ies) via Kiteworks, and shall subsequently advise Inquiry Counsel that the requested disclosure has been made.

The Inquiry's Executive Assistant / Legal Assistant will be responsible for monitoring the status of document production to the Inquiry and disclosures by the Inquiry, and for organising all received documents by subject-matter (General summons) or by individual (Investigation summons), through the development of a dedicated pagination for each. The Inquiry's Executive Assistant / Legal Assistant shall also exercise responsibility for tracking the status of production/disclosure and Exhibit identifications during both General and Investigation disclosure processes outlined, below.

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The following processes¹ shall be applied to all documents received by the Inquiry in response to I) a General summons/request; or, II) an Investigation summons/request:

I) General Summons

- a. Appropriate Inquiry Officials shall review all disclosed documents to identify those deemed relevant and intended to be distributed to other Inquiry Parties.
- b. This subset of documents shall be returned to the disclosing party, which shall be afforded up to 30 days to propose redactions prior to the documents' disclosure to the other Inquiry Parties.
- c. Thereafter, the Inquiry shall make any necessary redactions and proceed to make disclosure to the General Standing Parties and, where appropriate, the Limited Standing Parties.
- d. No less than 30 days prior to the commencement of a Formal Hearing, the Inquiry shall share the list of documents intended to be tendered as Exhibits at that Formal Hearing.
- e. Thereafter, pursuant to Rule 79 of the Rules of Procedure, the disclosing party shall be afforded seven (7) days to suggest redactions to documents included in the Inquiry's list of Exhibits.
- f. Thereafter, pursuant to Rule 79 of the Rules of Procedure, other parties whose interests may be affected by the publication of (a) document(s) in the Exhibits list shall be afforded seven (7) days to suggest redactions to the document(s).
- g. No less than 14 days prior to the commencement of a Formal Hearing, other Inquiry Parties may notify Inquiry counsel of proposed additions to the list of documents intended to be tendered as Exhibits at the Formal Hearing.
- h. Thereafter, pursuant to Rule 79 of the Rules of Procedure, other parties whose interests may be affected by the publication of (a) document(s) in the Exhibits list shall be afforded seven (7) days to suggest redactions to the document(s).

¹ Timespans set out herein may be abridged by the Inquiry where it determines that time is of the essence.

II) Investigation Summons

- a. The Inquiry shall take steps to alert the family (of the subject of the Investigation) and its counsel to available healing services and supports prior to commencing the disclosure process.
- b. Appropriate Inquiry officials will review all documents received in response to an Investigation summons, and undertake redactions pursuant to the Inquiry's Redaction Guide (see below).
- c. Thereafter, the Inquiry shall disclose all relevant documents received in response to an Investigation summons or request to the family's counsel.
- d. Unless otherwise agreed, within 60 days thereafter, Inquiry counsel shall engage the family's counsel to achieve consensus on the documents to be shared with Inquiry Parties participating in the Investigation proceeding, and any further necessary redactions (the "Consensus Documents").
- e. Within 30 days thereafter, the Inquiry shall disclose the Consensus Documents to the General Standing Parties.
- f. No less than 30 days prior to the commencement of an Investigation proceeding, the Inquiry and the family's counsel shall share the list of documents intended to be tendered as Exhibits at the Investigation proceeding with Inquiry Parties participating in the Investigation proceeding.
- g. Thereafter, pursuant to Rule 79 of the Rules of Procedure, the disclosing party shall be afforded seven (7) days to suggest redactions to documents included in the above-noted list of Exhibits.
- h. No less than 14 days prior to the commencement of an Investigation proceeding, other Inquiry Parties participating in the Investigation proceeding may notify Inquiry counsel and the family's counsel of proposed additions to the list of documents intended to be tendered as Exhibits at the Investigation proceeding.

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- i. Thereafter, pursuant to Rule 79 of the Rules of Procedure, other parties whose interests may be affected by the publication of (a) document(s) in the Exhibits list shall be afforded seven (7) days to suggest redactions to the document(s).

REDACTION GUIDE

Six Investigations are being conducted by the Commissioners at the application of and with the consent of the families who have been granted Investigative Standing. Furthermore, each family may withdraw their consent to the Investigation at any time and the Inquiry will cease the Investigation (see Rules 57 and 58). Therefore, the nature and scope of each Investigation must be determined in a collaborative process involving the family, their lawyer and Inquiry Counsel. In order to make an informed decision regarding the nature and scope of the Investigation, the families must first have the relevant documents. The result of this collaborative process will be outlined, in writing, by Inquiry Counsel.

This Guide outlines the test applied for redactions to the disclosure of documents in relation to the Investigations being conducted pursuant to s. 4(2). The contents of the s. 4(2) documents are potentially harmful to the health and well-being of anyone reviewing them and to the individuals whose names appear in the documents, especially the families. Therefore it is necessary to establish a process that is specific to these documents (hereinafter “the documents”).

The documents will be disclosed pursuant to the Document Disclosure Protocol. The redaction test will be applied by Inquiry Counsel in the first instance, then counsel for families will have an opportunity for input and then all remaining Parties with Standing will have an opportunity to provide input on redactions.

Considerations for Redactions

The Inquiry is guided by of the following considerations when making redactions to the documents:

- I. The Investigations are a **truth gathering process**. It is important that all relevant information regarding the life and death of each child is considered by the Commissioners. Furthermore, all information that the Inquiry gathers about the life and death of a child should be released to the family except in limited circumstances.

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2. The Inquiry operates under the principle of **“do no further harm”**. It is understood that the material that is contained within the documents will be painful and likely traumatic, especially for the families. Therefore, the Inquiry must balance the probative value of information contained within a document with the potential harm to the families and individuals named. The Inquiry will collaborate with the families to determine the potential harm which may arise with the release of information.
3. The Inquiry understands that the operation of the child protection system relies upon information provided by confidential referral sources. Furthermore, the Inquiry agrees with the principle that **the identity of referral sources must not be released** except in limited circumstances. The Inquiry will consider a person to be a referral source where an individual:
 - reports concerns of alleged abuse or maltreatment of a child or youth, or circumstances which may foreseeably lead to the abuse or maltreatment of a child or youth; and,
 - makes a report in a circumstance in which they likely expect their identity would not be disclosed.

A person may be considered a referral source even where the report was not made to CSSD or where the report was not recorded in a document created by an official employed with CSSD.

Where the applicant family members themselves are the referral source, their names will not be redacted prior to disclosure to the family. In some instances, the name of a referral source may be redacted but not the identity of their employer, where that information is relevant and the risks associated with revealing the employer are limited.

4. The Inquiry will also consider the **privacy interests** of all individuals whose names and personal information are contained in a document to be disclosed. The names of individuals and/or their personal information will be redacted if that information is not relevant to the nature and scope of an investigation. The Inquiry will consider seeking a consent to release information from an individual where it is deemed necessary and practical by the Inquiry to do so.
5. The test that is provided in this document is intended to be a guide. Each lawyer who is responsible for the redactions in a particular file will be required to **exercise discretion**. This is the case, in part, because each of the considerations listed herein will be given different weight in different circumstances and at different stages in the process. Truth gathering may be more important than

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privacy interests in some circumstances, for example where an individual may be called as a witness, or their role and identity are central to understanding the experience of the child. In other circumstances, concerns regarding the risk to mental health may be more important. Furthermore, at different stages of the documents process, the Inquiry will weigh the considerations differently. For example, privacy interests may carry less weight at the stage of the process in which the Inquiry discloses documents to Parties who have signed confidentiality agreements. Privacy interests may have more weight at the stage in which the Inquiry are considering redactions to documents which will become public exhibits.

Test for Redactions:

The Inquiry will make redactions to s. 4(2) documents as follows:

1. Referral sources shall be redacted except in very limited circumstances. A referral source may not be redacted where the identity of the referral source is probative to the nature and scope of an investigation and the risks associated with the identifying referral sources are not present or are minimal and/or can be mitigated.
2. The names and/or the personal information of individuals shall be redacted where that information is not relevant to the nature and scope of the investigation.

Redactions may be made where the probative value of information contained in a document is low and the risk of harm to the individuals who may be impacted by the release of the information, especially the families, is high.

PRIVATE VEHICLE USAGE REPORT

<i>Claimant</i>	<i>Organisation</i>
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Date	Details of Travel	Distance
Total Distance		

Claim Amount:

Total Distance Travelled _____ kilometres (km) X \$ _____ per km = **TOTAL CLAIMED \$**

Certified Correct:

Approved:

Claimant

Lead Executive Officer

Date

Date