

ADVICE TO MINISTER - CONFIDENTIAL

CONFIDENTIAL ISSUES NOTE

Ministry: Energy, Mines and Natural Gas

Date: February 18, 2013

Minister Responsible: Hon. Rich Coleman

PavCo Letter to Information Commissioner re: FOI Requests

RECOMMENDED RESPONSE:

- PavCo remains committed to openness and transparency, and continues to ensure that the FOI process is adhered to.
- PavCo believes that five FOI requests from a single individual are repetitive in nature and has asked the Privacy Commissioner to make a Section 43 ruling to authorize PavCo to disregard them.
- In addition to the five requests (above), this applicant has 20 active requests which PavCo is processing in accordance with FOI procedures.
- PavCo has indicated to the Privacy Commissioner that it intends to process all future requests from this applicant, in accordance with FOI procedures.
- Since April 2012, PavCo has received 66 FOI requests from this individual.

BACKGROUND:

On February 13 2013 a letter was sent to the Office of the Information & Privacy Commissioner requesting a Section 43 disregard of five FOI requests and consideration for the limitation of the volume and type of requests received from a single applicant.

Upon submitting the letter to the Office of the Information & Privacy Commissioner, PavCo was instructed not to process any further FOI requests from this individual. Unfortunately this was perceived by the individual as a refusal on the part of PavCo to process FOI requests, and a lack of commitment to transparency, which is not PavCo's intent.

On February 19 2013 a second letter was sent to the Office of the Information & Privacy Commissioner clarifying that PavCo is seeking relief only to the following:

- authorization to disregard the five requests; and
- consideration that the Applicant be requested to cease contact (i.e., sending an email) following PavCo's closure of files because they are not satisfied with the response. Instead that they be directed to follow the proper appeals process.

The February 19 letter indicates that PavCo will continue processing all open FOI requests and any new ones received from the individual in accordance with FOI timelines.

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This particular applicant is a frequent applicant of PavCo. Since April 20 2012, to present day, this individual has submitted 66 FOI requests which represent 86% of total requests during this time.

Excluding the five requests set out in the original letter, PavCo is processing 20 files from this applicant. There are 7 files under appeal with an additional 8 files on hold pending the commissioner's decision.

The original February 13 request to the Information Commissioner was based on several issues which include:

- Complaints made by the applicant to members of the PavCo board about processing times.
- The suggestion that a contract was deliberately withheld when it is being processed under a previous application by the same applicant.
- Complaint emails from the applicant regarding redaction of information – in particular the redaction of third party information.
- Repeat submissions from the applicant in a bid to access information that has previously been redacted.

The volume and nature of multi-layered requests – causing a strain on staff time.

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File Created:	Feb 2013	
File Updated:		
File Location:		