



ARCS: 292-30  
File: TRA-2011-00120

August 30, 2011

Sent via email:

Dear

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Transportation and Infrastructure. Your request is for:

*Accident records for and including pedestrian incidents for Highway 101 starting at North Road following through the town up and to and including Hwy 101 and Payne Road in Gibsons, BC; Accident records including pedestrian incidents for School Road starting at 101 and School Road intersection down to the bottom of School Road in Gibsons, BC. The time frame of this request is June 10, 2005 through June 10, 2011.*

Please find enclosed a copy of the records in response to your request. Some information has been withheld pursuant to section 15 (Disclosure harmful to law enforcement) of FOIPPA. A copy of this section of FOIPPA is provided for your reference. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00)

Please note, attached are all the responsive records held by the Ministry of Transportation and Infrastructure; however, for complete accident reports you may submit an FOI request to ICBC. Your file is now closed.

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As part of the BC Government's new Open Information initiative, this response and the enclosed records will be published on the Open Information website a minimum of 72 hours after it is released electronically or a minimum of five business days after it has been released by mail in hardcopy. To find out more about Open Information, please access the Open Information website at: <http://www.openinfo.gov.bc.ca/ibc/index.page>

If you have any questions regarding your request, please contact Krista Jones, the analyst assigned to your request, at (250) 356-0386. This number can be reached toll-free by calling from Vancouver, 604-660-7867, or from elsewhere in BC, 1-800-663-7867 and asking to be transferred to (250) 356-0386.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,



for Russ Fuller, Manager  
Business and Infrastructure Team  
Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4th Floor, 947 Fort Street  
Victoria BC V8W 9A4  
Telephone 250-387-5629      Fax 250-387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.

- (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
  - (a) harm a law enforcement matter,
  - (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,
  - (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
  - (d) reveal the identity of a confidential source of law enforcement information,
  - (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
  - (f) endanger the life or physical safety of a law enforcement officer or any other person,
  - (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
  - (h) deprive a person of the right to a fair trial or impartial adjudication,
  - (i) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment,
  - (j) facilitate the escape from custody of a person who is under lawful detention,
  - (k) facilitate the commission of an offence under an enactment of British Columbia or Canada, or
  - (l) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.
- (2) The head of a public body may refuse to disclose information to an applicant if the information
  - (a) is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,
  - (b) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or
  - (c) is about the history, supervision or release of a person who is in custody or under supervision and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.
- (3) The head of a public body must not refuse to disclose under this section
  - (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act,
  - (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2), or
  - (c) statistical information on decisions under the *Crown Counsel Act* to approve or not to approve prosecutions.
- (4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute