



ARCS: 292-30  
File: CFD-2011-00531

September 7, 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 Children and Family Development. You narrowed your request on July 4, 2011 through conversation and/or email with Karine Bordua. Your request is for:

*"Copies of all complaints against Taborview Programs in the last 2 years, the Ministry's response to those complaints (Date Range: April 26, 2009 to April 26, 2011); and all inspection records including but not limited to inspection reports for those two years (Excluding Children's Service Files)."*

Please find enclosed a copy of the records located in response to your request. Some information has been withheld pursuant to section(s) 3 (scope of this Act), 13 (Policy advice or recommendations), 15 (Disclosure harmful to law enforcement), 16 (Disclosure harmful to intergovernmental relations or negotiations) and 22 (Disclosure harmful to personal privacy) of FOIPPA. Copies of these sections of FOIPPA are 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 some information in the records is marked 'not responsive' as it does not respond to the wording and/or the date range of your request. Your file is now closed.

.../2

These records will be published on the BC Government's 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 Karine Bordua, the analyst assigned to your request, at 250-387-5584. 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 250-387-5584.

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,

A handwritten signature in black ink, appearing to read "Vicki Hudson", with a stylized flourish at the end.

Vicki Hudson, Manager  
Justice / Social 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.

# FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

## [RSBC 1996] CHAPTER 165

### Scope of this Act

**3** (1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:

(a) a record in a court file, a record of a judge of the Court of Appeal, Supreme Court or Provincial Court, a record of a master of the Supreme Court, a record of a justice of the peace, a judicial administration record or a record relating to support services provided to the judges of those courts;

(b) a personal note, communication or draft decision of a person who is acting in a judicial or quasi judicial capacity;

(c) a record that is created by or for, or is in the custody or control of, an officer of the Legislature and that relates to the exercise of that officer's functions under an Act;

(c.1) [Repealed 2002-50-19.]

(d) a record of a question that is to be used on an examination or test;

(e) a record containing teaching materials or research information of employees of a post-secondary educational body;

(f) material placed in the archives of the government of British Columbia by or for a person or agency other than a public body;

(g) material placed in the archives of a public body by or for a person or agency other than the public body;

(h) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed;

(i) a record of an elected official of a local public body that is not in the custody or control of the local public body.

(2) This Act does not limit the information available by law to a party to a proceeding



# **Freedom of Information and Protection of Privacy Act**

[RSBC 1996] Chapter 165

## **Policy advice, recommendations or draft regulations**

- 13 (1) The head of a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister.
- (2) The head of a public body must not refuse to disclose under subsection (1)
- (a) any factual material,
  - (b) a public opinion poll,
  - (c) a statistical survey,
  - (d) an appraisal,
  - (e) an economic forecast,
  - (f) an environmental impact statement or similar information,
  - (g) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies,
  - (h) a consumer test report or a report of a test carried out on a product to test equipment of the public body,
  - (i) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body,
  - (j) a report on the results of field research undertaken before a policy proposal is formulated,
  - (k) a report of a task force, committee, council or similar body that has been established to consider any matter and make reports or recommendations to a public body,
  - (l) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body,
  - (m) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy, or
  - (n) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.
- (3) Subsection (1) does not apply to information in a record that has been in existence for 10 or more years.

# Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

## Disclosure harmful to law enforcement

15 (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
  - (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
  - (b) to any other member of the public, if the fact of the investigation was made public.

# Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

## Disclosure harmful to intergovernmental relations or negotiations

16 (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 the conduct by the government of British Columbia of relations between that government and any of the following or their agencies:

- (i) the government of Canada or a province of Canada;
- (ii) the council of a municipality or the board of a regional district;
- (iii) an aboriginal government;
- (iv) the government of a foreign state;
- (v) an international organization of states,

(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies, or;

(c) harm the conduct of negotiations relating to aboriginal self government or treaties.

(2) Moreover, the head of a public body must not disclose information referred to in subsection (1) without the consent of:

- (a) the Attorney General, for law enforcement information, or
- (b) the Executive Council, for any other type of information.

(3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 or more years unless the information is law enforcement information.



# Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

## Disclosure harmful to personal privacy

- 22 (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.
- (2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether
- (a) the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,
  - (b) the disclosure is likely to promote public health and safety or to promote the protection of the environment,
  - (c) the personal information is relevant to a fair determination of the applicant's rights,
  - (d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people,
  - (e) the third party will be exposed unfairly to financial or other harm,
  - (f) the personal information has been supplied in confidence,
  - (g) the personal information is likely to be inaccurate or unreliable, and
  - (h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.
- (3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if
- (a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
  - (b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,
  - (c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
  - (d) the personal information relates to employment, occupational or educational history,
  - (e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,
  - (f) the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness,
  - (g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party.

- (h) the disclosure could reasonably be expected to reveal that the third party supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation,
  - (i) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations, or
  - (j) the personal information consists of the third party's name, address or telephone number and is to be used for mailing lists or solicitations by telephone or other means.
- (4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if
- (a) the third party has, in writing, consented to or requested the disclosure,
  - (b) there are compelling circumstances affecting anyone's health or safety and notice of disclosure is mailed to the last known address of the third party,
  - (c) an enactment of British Columbia or Canada authorizes the disclosure,
  - (d) the disclosure is for a research or statistical purpose and is in accordance with section 35,
  - (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,
  - (f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
  - (g) public access to the information is provided under the Financial Information Act,
  - (h) the information is about expenses incurred by the third party while travelling at the expense of a public body,
  - (i) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body, not including personal information supplied in support of the application for the benefit, or
  - (j) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, not including personal information that is supplied in support of the application for the benefit or is referred to in subsection (3) (c).
- (5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.
- (6) The head of the public body may allow the third party to prepare the summary of personal information under subsection (5).