



ARCS: 292-30  
File: CFD-2011-00442

September 13, 2011

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 requested

*All documents which relate to the study of Shaken Baby Syndrome and which relate to the decision, studies, partnerships, correspondence, funding and/or rationale in connection with MCFD implementation of the Period of Purple Crying program; All documents which relate to MCFD policy for educating, training and/or informing social workers and/or foster parents involved with or potentially involved with foster children in MCFD care and supervision (referred to as Children in Care or CICs), including but not limited to any mention of the risks associated with crying or inconsolable infants and/or any mention of Shaken Baby Syndrome.*

Please find enclosed phase two of your request. Additional records are being processed and will follow under separate cover. Some information has been withheld in the enclosed records pursuant to sections, 15 (Disclosure harmful to law enforcement), 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)

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Please note, the following documents are subject to copyright and have not been provided.

1. *The Period of PURPLE Crying® Booklet*
2. *Period of PURPLE Crying Implementation: Emerging Studies*
3. *Implementing the Period of Purple Crying Prevention Program*

If you wish to request access to these documents, please request them from Prevent Shaken Baby Syndrome BC.

Phase two of your request is now closed.

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 Rob Gordon, the analyst assigned to your request, at 250 356-7869. 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 250 356-7869.

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

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

## 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.



# **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.