



LIQUOR DISTRIBUTION BRANCH

July 25, 2012

Via email:

Dear :

**Re: Freedom of Information and Protection of Privacy Act
Request Reference # LDB-2012-00011**

I am writing in response to your request, under the Act, for a copy of the following records:

- a) A copy of the BCLDB contract with Container World and Commercial Logistics and
- b) A copy of a report for the two most recent fiscal years showing quarterly financial statements regarding payments made to and payments received from ContainerWorld and Commercial Logistics.

A limited amount of information has been blanked out of the enclosed documents under section 15 and 21 of the Act. Section 15 was applied to information that may cause harm to the security of a vehicle. Section 21 was applied to information which could be harmful to the business interests of a third party if disclosed. I have attached a copy of sections 15 and 21, for your reference.

According to the Act, you may ask the Information and Privacy Commissioner to review the Branch's decision to not disclose all of the information you requested. You have 30 business days from receipt of this notice to request a review by writing to:

Elizabeth Denham, Information and Privacy Commissioner
PO Box 9038 STN PROV GOVT
Victoria BC V8W 9A4
Tel: 250-387-5629 Fax: 250-387-1696

The Commissioner's office may also be reached by using the toll-free Enquiry BC phone line: 604-660-2421 from the Greater Vancouver region, or 1-800-663-7867 from outside the Greater Vancouver and Victoria areas.

If you request a review, please provide the Commissioner's office with a copy of this letter and of the original request for information you sent to the Branch. However, if you have any questions or concerns, I would appreciate it if you would first contact me to discuss the matter.

Please also note that 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>

Yours truly,

A handwritten signature in black ink that reads "M Calvo". The "M" is stylized with a large loop, and "Calvo" is written in a cursive script.

Manami Calvo
Manager - Information Programs

Attachments

Where ideas work.

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 or activity 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.

Disclosure harmful to business interests of a third party

21 (1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of or about a third party,

(b) that is supplied, implicitly or explicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person or organization, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body must refuse to disclose to an applicant information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax.

(3) Subsections (1) and (2) do not apply if

(a) the third party consents to the disclosure, or

(b) the information is in a record that is in the custody or control of the archives of the government of British Columbia or the archives of a public body and that has been in existence for 50 or more years.