

File Number: 292-30/MCD-2010-00037

March 24, 2010

Via email:

Dear _____ :

Re: *Freedom of Information and Protection of Privacy Act* - Request for Access to Records

The former, Ministry of Community and Rural Development (the Ministry) received your request for access to information under the *Freedom of Information and Protection of Privacy Act* (the Act) on July 26, 2010, for:

Any and all correspondence (including emails and the contents of attached files) sent or received by Nicola Marotz, Executive Director Local Government Policy & Research in the Ministry of Community and Rural Development regarding the Local Government Elections Task Force. The time frame of this request is from September 2009 to June 2010.

Please note this is the second stage of a multi-staged release. Some information has been severed pursuant to section 13, 14, 15, 16 and 22 of the Act. We continue to process the remainder of your request and will release the records as they become available. Please find the aforementioned sections of the Act enclosed for your reference. Furthermore, we are providing a link to the Local Elections Task Force website where a significant amount of information about local elections is publicly available.

<http://www.localelectiontaskforce.gov.bc.ca/>

Under Section 52 of the Act, you may ask the Information and Privacy Commissioner to review the Ministry's response to your request. You have 30 working days from the receipt of this letter (unless deemed otherwise by the Commissioner) to request a review by writing to:

.../2

Information and Privacy Commissioner
4th Floor 756 Fort Street
PO Box 9038 Stn Prov Govt
Victoria, BC V8W 9A4
Tel. 250-387-5629 Fax 250-387-1696
www.oipc.bc.ca

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

- 1) A copy of your original request for information;
- 2) A copy of this letter; and
- 3) The reasons or grounds upon which you are requesting a review.

If you have any questions regarding the processing of your request, please contact Jamie Onciul-Omelus, Information and Privacy Analyst at 250-356-0386. If calling from Vancouver dial 604-660-2421, or elsewhere in BC dial 1-800-663-7867, and ask to be transferred to 250-356-0386.

Yours truly,

A handwritten signature in black ink, appearing to read 'Russ Fuller', with a stylized flourish extending to the right.

Russ Fuller
Manager, Business and Infrastructure Team
Information Access Operations

Enclosures

Policy advice or recommendations

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.

Legal advice

14 The head of a public body may refuse to disclose to an applicant information that is subject to solicitor client privilege.

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.

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).