

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

April 11, 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 fourth stage of a multi-staged release. Some information has been severed pursuant to section 13, 16 and 22 of the Act. Please find the sections of the Act enclosed for your reference. We continue to process the remainder of your request and will release the records as they become available. 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:

Information and Privacy Commissioner
4th Floor 756 Fort Street
PO Box 9038 Stn Prov Govt
Victoria, BC V8W 9A4

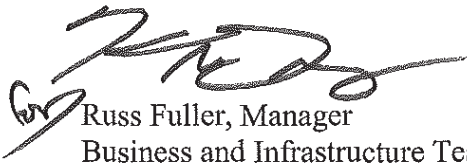
Tel. 250-387-5629 Fax 250-387-1696
www.oipc.bc.ca

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,



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.

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.

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).