



ARCS: 292-30
File: FIN-2013-00141

August 7, 2013

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 Finance. Your request is for:

Data from the Gaming Policy and Enforcement Branch regarding all incidents of violation of Section 89 of the Gaming Control Act Prohibition - unauthorized gaming by minors including dates, times, names and locations of companies and workers found in violation, and the fines, sanctions, and penalties assessed; The Gaming Information and Services Occurrence Search forms with the results of keyword searches for false ID, underage, selling, minor, youth, impersonation, project 19, child, and unattended. Date range is November 30, 2011 to June 10, 2013

Section 6(2) of the *Freedom of Information and Protection of Privacy Act* (FoIPPA), establishes that a public body has a duty to create a record from existing machine readable records if it can do so using normal computer hardware, software and technical expertise, and the creation of the record would not unreasonably interfere with the operations of the public body. The public body is not required to create a new record in cases where new computer software or hardware would be needed to create the record, where staff do not have the technical expertise required or where the task would unreasonably interfere with its operations. **In deciding whether creating the record would unreasonably interfere with its operations, the public body assesses the time and resources which would be required to create the record and the impact which this use of resources would have on its day-to-day activities.** A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

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Concerning your FOI request, the more specific information relative to individual violations is not available off the Gaming Policy and Enforcement Branch's Gaming Occurrence Search (GOS) database. The physical files would have to be pulled and reviewed in order to determine whether or not they are responsive. In the spirit of section 6 of FoIPPA, the public body has made the effort to put into a spreadsheet format a list of files relative to service providers suspected of selling lottery products to minors. Creation of the attached spreadsheet took approximately five hours.

There were files that the program area was able to identify as fitting the noted violation categories in your request and which they believe **may** be responsive. They cannot say definitively whether or not any of these files will be within the scope of your request.

Type of Offense	Number of Files	Comments
Abandoned or Unattended Children/Youth Minors	273	Mostly from casinos and community gaming centres
Minors found in gaming premises	61	
Selling to Minors	54	Complaints or "project" files
False I.D.	443	Mostly from casinos and community gaming centres
Underage	18	Mostly from casinos and community gaming centres
Project 19 (Impersonation)	0	
Total Files: 849		

Your file is now closed.

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 Samara Fisher, the analyst assigned to your request, at 250-387-0824. 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 250-387-0824.

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 "Hudson", with a stylized flourish at the end.

Vicki Hudson, Manager
Justice / Social Team
Information Access Operations

Attachment

<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.