



ARCS: 292-30
File: EGM-2011-00068

December 30, 2011

Sent via email:

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 Energy and Mines, and Responsible for Housing. Your request is for:

Any and all submissions, presentations, documents, records, or briefing notes made to, or prepared for the BC Hydro Review Panel including the agendas for meetings held by the BC Hydro Review Panel. Timeframe is February 1, 2011 to August 15, 2011.

Please find enclosed a copy of the records located in response to your request. Some information has been withheld pursuant to sections 13 (Policy advice or recommendations), 14 (Legal advice), 16 (Disclosure harmful to intergovernmental relations or negotiations), 17 (Disclosure harmful to the financial or economic interests of a public body), 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

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>

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If you have any questions regarding your request, please contact Krisna Phosy, the analyst assigned to your request, at 250-356-5847. 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 250-356-5847.

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 blue ink, appearing to read 'K. Ghag', is positioned above the typed name.

Kris Ghag, Manager
Resource 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.

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 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 the financial or economic interests of a public body

17(1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy, including the following information:

- (a) trade secrets of a public body or the government of British Columbia;
 - (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;
 - (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
 - (d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;
 - (e) information about negotiations carried on by or for a public body or the government of British Columbia;
 - (f) information the disclosure of which could reasonably be expected to harm the negotiating position of a public body or the government of British Columbia.
- (2) The head of a public body may refuse to disclose under subsection (1) research information if the disclosure could reasonably be expected to deprive the researcher of priority of publication.
- (3) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done
- (a) for a fee as a service to a person, a group of persons or an organization other than the public body, or
 - (b) for the purpose of developing methods of testing.

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).*