



ARCS: 292- 30
File: CFD-2012-01671

January 25, 2013

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 Children and Family Development. Your request is for:

All policies, agreements or memorandums of understanding between the Ministry of Education (EDU) and School District No. 61 (SD 61), Pembroke School and the teachers and the Ministry of Children and Families (CFD) and the Ministry of Justice (JAG) as it relates to the Victoria Youth Custody Centre (VYCC), all relevant written policies, agreements, or memorandums between the CFD and JAG and/or the VYCC regarding the facility's policy on violent children, all relevant written policies, agreement or memorandums of CFD and JAG and/or the VYCC regarding the requirement of Custody Officers and/or Corrections Staff (the Staff) to be posted during PE activities, any incident logs from June 18 to June 23, 2012 prepared by the Staff at the VYCC leading up to the incident which occurred on or about June 22, 2012 (the incident); any statements provided by the Staff in regard to the incident; any statements taken subsequent to the incident from Istvan Sitar employee of SD 61 and any video recordings taken at the time of the incident.

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Please find enclosed a copy of records located in response to your request. Some information has been withheld pursuant to section 15 (Disclosure harmful to law enforcement) of FOIPPA. A complete copy of FOIPPA is available online at:

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

Also note that those portions of your request regarding the circumstances of the “incident” (i.e. incident logs, statements, video logs) fall under the *Youth Criminal Justice Act*. As such, Information Access Operations has no authority to release these records under the *Freedom of Information and Protection of Privacy Act*. Should you wish to request a copy of these records, please contact:

Jo-Anne DiGeorgio
Manager and Records Officer
Ministry of Children and Family Development
PO Box 9714 STN PROV GOVT
Victoria BC V8W 9S1
Phone (250) 356-1410
Fax (250) 953-4815

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 Rob Gordon, the Analyst assigned to your request, at 250 387-7673. This number can be reached toll-free by calling from Vancouver, 604-660-2421, or from elsewhere in BC, 1-800-663-7867 and asking to be transferred to 250 387-7673.

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

Enclosure

<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.