



ARCS: 292-30
File: JAG-2013-01687

December 2, 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 Justice and Attorney General.
Your request is for:

- (a) The number of drivers, per month, from May 1, 2013 to September 1, 2013, who were referred to the Responsible Driver Program ("RDP") following the issuance of an immediate roadside prohibition ("IRP");*
- (b) The number of drivers, per month, from May 1, 2013 to September 1, 2013, who were exempted from the RDP, or otherwise not required to take the RDP, following the issuance of an IRP;*
- (c) The number of drivers, per month, from May 1, 2013 to September 1, 2013, who were issued an IRP;*
- (d) If any drivers were exempted from, or not required to take, the RDP during the period of time stipulated above as a result of decisions made by a delegate of the Superintendent following a review, we request copies of each such decision;*
- (e) If the data requested above in paragraphs (a) to (c) is not available on a monthly basis then we request that we be advised how such data is compiled and that we be provided with the available data, however it is compiled, so as to most closely respond to our request;*
- (f) Copies of all policies, guidelines, protocols, or bulletins relating to the question of whether drivers who are issued IRPs are to be referred to the RDP;*

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(g) All internal correspondence and memoranda, including email correspondence, relating to the question of whether drivers who are issued IRPs are to be referred to the RDP; and if there is discretion on this issue how that discretion is to be exercised; and

(h) If the policy concerning the use of the RDP, or what categories of drivers will be referred to the RDP, or the factors relevant to discretion, have changed over time, all document relating to the change in policy and the reasons for the change.

OSMV maintains a database to track reportable driving activities of each driver licensed in British Columbia. Information is received from licensing offices and law enforcement jurisdictions throughout the province and the information is entered into the database as it is received. With respect to (a) and (b) of your request, the Office of the Superintendent of Motor Vehicles (OSMV) does not track this information in its database. Each case is treated separately by examining driving records. The system does not currently allow for extracting the reasons for the referrals in an aggregated manner. A manual review of each file must be done to determine the number of drivers who have been exempted from the RDP. Pursuant to section 6(2)(b), this would represent an unreasonable burden on the public body.

Regarding (c) of your request, this information is available on the Province of British Columbia's Open Information website under the following request numbers: May – JAG-2013-01076, June – JAG-2013-01273, July – JAG-2013-01520, August – JAG-2013-01576 and September – JAG-2013-01761. For your convenience the following table summarizes the number of IRPs issued, reviewed and reversed for each month.

Month	Number of IRPs Issued	Number of IRP Reviews	Number of IRP Reversals
May	1534		
June	1552	214	66
July	2408	311	79
August	1689	250	61
September	1702	193	48

OSMV advises that the IRPs reviewed in a particular month may not have been issued in that month. A driver has seven days from the date of receiving a Notice of Driving Prohibition to request a review of the prohibition. An Adjudicator has 21 days of the date the notice was served to the driver to deliver a written decision. These legislated time lines make direct correlation of the number of notices given and the number reviewed and possibly reversed impossible without a manual review of each file.

The records you requested in part (d) are withheld in their entirety pursuant to section 22 of FOIPPA. You may wish to seek consent from individuals you believe have received RDP exemptions to release the personal information contained in the records to you.

Parts (f) and (g) and (h) of your request have previously been released to other applicants and can be found on the Open Information website. JAG-2013-01069 contains records specific to quality control standards for Adjudicator Decisions and JAG-2012-02390 contains records of manuals, documents, policies, directives and procedures pertaining to the steps taken when an Immediate Roadside Prohibition is revoked. OSMV has proactively posted a number of policies and guidelines within the Ministry of Justice web site (<http://www.pssg.gov.bc.ca/osmv>). Most specific to a portion of your request is the Remedial Program Policy (<http://www.pssg.gov.bc.ca/osmv/shareddocs/Remedial-Program-Policy.pdf>) and Guidelines for Reconsideration of Referrals to Remedial Programs (<http://www.pssg.gov.bc.ca/osmv/shareddocs/Guidelines-for-Reconsideration.pdf>).

A complete copy of FOIPPA is available online at:

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

Your file with the Ministry of Justice and Attorney General is now closed.

If you have any questions regarding your request, please contact Donna Wilkinson, the analyst assigned to your request, at 250 387-0831. 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 250 387-0831.

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.