



File: 292-30/AGR-2022-23394

September 22, 2023

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 Agriculture and Food. Your request is for:

Any and all final documents (issue notes, briefing notes, decision notes, memorandums progress reports, PowerPoints etc.) regarding the Agriculture Land Commission, Agriculture Land Reserve. Restrict search to Minister's Office, Deputy Minister's office and Assistant Deputy Ministers offices. (Date Range for Record Search: From 7/1/2022 To 11/30/2022)

Some information has been withheld pursuant to section(s) 12 (Cabinet and local public body confidences), 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), 21 (Disclosure harmful to business interests of a third party), and 22 (Disclosure harmful to personal privacy) of FOIPPA. A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

Please be advised that access to a portion of the records you have requested is denied pursuant to section 16(1) of the *Animal Health Act* (AHA), which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override. Complete copies of FOIPPA and AHA are available online at:

<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14016>

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In addition, records you have requested are excluded from the scope of FOIPPA pursuant to section 61(2) of the *Administrative Tribunals Act* which contains a provision that expressly provides that it applies despite FOIPPA. Section 3(7) of FOIPPA provides for this override.

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_04045_01

Your file is now closed.

These records will be published on the BC Government's Open Information website a minimum of ten business days after release. To find out more about Open Information, please access the Open Information website at: www.gov.bc.ca/openinformation

The records located in response to your request will be delivered through the BC Secure File Transfer Service. Separate emails will follow from the BC SFT Notification Service directing you how to set up an account and where to obtain your records. A guide for using the SFTS is enclosed for your convenience.

If you have any questions regarding your request, please contact Juliane Letawske, the analyst assigned to your request, at 250 387-0915. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, AGR-2022-23394, in any communications.

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,

Juliane Letawske, Senior FOI Analyst
Information Access Operations

Enclosures

From the *Animal Health Act*

Protected information

16 (1) Except as permitted under section 17 [*duty to keep information confidential*] or 18 [*personal information*], a person described in section 17 (1) or 18 (1) must refuse to disclose the following:

- (a) information that would identify a person responsible for an animal or for an animal product or byproduct;
- (b) information that would identify an animal or an animal product or byproduct that is located at or in a specific place or on or in a specific vehicle;
- (c) information that would identify a specific place at which an animal or an animal product or byproduct is located;
- (d) information that would reveal that a notifiable or reportable disease is or may be present in a specific place or on or in a specific vehicle;
- (e) information that would reveal that an animal or an animal product or byproduct affected by a notifiable or reportable disease is
 - (i) located at or in a specific place or on or in a specific vehicle, or
 - (ii) owned, or in the custody or control of, an identifiable person or body, or that an identifiable person or body is an operator in relation to the animal or the animal product or byproduct;
- (f) information that is derived from a sample taken under this Act or that is submitted to the ministry of the minister or a laboratory identified in an order of the minister.

(2) Despite the *Freedom of Information and Protection of Privacy Act*, a person who would otherwise be required under that Act to disclose information described in subsection (1) of this section is not required to disclose the information except as required under section 25 of that Act.

From the *Administrative Tribunals Act*

Application of *Freedom of Information and Protection of Privacy Act*

61 (1) In this section, "**decision maker**" includes a tribunal member, adjudicator, registrar or other officer who makes a decision in an application or an interim or preliminary matter, or a person who conducts a facilitated settlement process.

(2) The *Freedom of Information and Protection of Privacy Act*, other than section 44 (1) (b), (2), (2.1) and (3), does not apply to any of the following:

- (a) a personal note, communication or draft decision of a decision maker;
- (b) notes or records kept by a person appointed by the tribunal to conduct a facilitated settlement process in relation to an application;
- (c) any information received by the tribunal in a hearing or part of a hearing from which the public, a party or an intervener was excluded;
- (d) a transcription or tape recording of a tribunal proceeding;
- (e) a document submitted in a hearing for which public access is provided by the tribunal;
- (f) a decision of the tribunal for which public access is provided by the tribunal.

(3) Subsection (2) does not apply to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that has been in existence for 100 or more years or to other information that has been in existence for 50 or more years.

BC Government Secure File Transfer Service
Information Access Operations Ad-Hoc User Guide

Returning Users

If you are a returning user, please use your existing username and password. Passwords expire after 90 days. You can update your password at anytime.

New Users

Your records are provided to you via the Secure File Transfer Service (SFTS). You will need to setup a User Account to access to the STFS site.

You must log in to your temporary SFTS account within 7 days. After 7 days, your temporary SFTS account will expire and will no longer be accessible. If you are no longer able to access your account or records, please contact the FOI Analyst identified in your Response Letter for assistance.

Email Communication

1. The first email has your Response Letter attached.
 - This email is from the FOI Analyst at Information Access Operations who processed your file.
 - If your records are password protected, the response letter will contain your **password to open your records**.
2. The second email is the *New Package is Waiting* notification email.
 - This email will be received at the same time as the third email.
 - A hyperlink to the SFTS is contained in this email.
3. The third email is the *New User Account for the BC Secure File Transfer Service*
 - This email is sent only to users who are required to setup a STFS User Account.
 - If you are an existing user and your account is still active, you will not receive this email.
 - This email contains the following:
 - a **Hyperlink** to the SFTS site
 - a **Username** to access the SFTS site
 - a **temporary Password** to access the SFTS site
 - If you are unable to locate this email, please check your junk/spam folder. It is from BC Secure File Transfer Notification Service <DONOTREPLY>@gov.bc.ca.

Accessing Your Records

1. Setup your SFTS account.
 - Click on the URL hyperlink provided in your third email.
 - You will be redirected to the SFTS site.
 - If you are not redirected to SFTS site, it is accessible at: filetransfer.gov.bc.ca.
2. Enter your *Username* and *Password*.
 - These are provided in your third email.

3. Change your SFTS account password.
 - You will be required to do this as soon as you login.
 - Follow the instructions provided to you after you login to SFTS for the first time.
 - After you change your password, select "Finish." This will redirect you to your STFS Inbox.
4. Your records are now accessible.
 - Records will be available in SFTS for 35 days.
 - You can download your records up to 5 times.
 - To download your records:
 - Click on the records package
 - Click on the *Download* button beside the file(s)
 - If your records are password protected, you will require a password to open the pdf document.
 - *The password to open the pdf is located in your first email's Response Letter.*
 - It is recommended that you download and save your records so you do not have to return to the SFTS each time to view.
5. If your records are password protected, please consult your .pdf software's user manual on how to remove the password/encryption.
6. If your records are contained within a zipped file, you may need to download a zip program onto your computer in order to open and extract the records. There are free zip programs available to download, such as 7-Zip for Windows, or BetterZip for Mac.

Troubleshooting

- If the hyperlink to the SFTS site does not open, try to access the site on a different web browser such as Chrome, or Firefox or Safari.
- Your temporary SFTS account expires after 7 days unless the account is logged into again or receives a new package. Your account will be deleted 7 days after it has been marked as expired. Once it is deleted, you will need to have a new ad-hoc account created - contact the FOI Analyst identified in the response letter.
- If you have forgotten your password but your account is still active:
 - You can use the "Request a password change" link on the Login page.
 - An email will be sent to you providing you the URL to confirm the password change.
 - Passwords expire after 90 days.
- If you encounter technical issues, please call the technical support line at 250-387-7000 and select option 3. You will need to advise the representative that you are requesting assistance as an ad-hoc user of the BC Secure File Transfer Service.

<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.