



ARCS: 292-30
File: MAG-2017-72963

September 8, 2017

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 Attorney General. Your request is for:

A copy of the affidavit filed by the B.C. government in the Federal Court of Appeal seeking intervener status in the case of Tsleil-Waututh Nation v. Canada (Attorney General). (Date Range for Record Search: From 08/01/2017 To 08/30/2017)

As a court record that is available to the public through the Federal Court of Appeal (FCA), the document you seek does not fall within the scope of FOIPPA, pursuant to section 3(1)(a). Furthermore, pursuant to section 2(2) of FOIPPA, the Act does not replace other procedures for access to information, thereby making the FOI process an avenue of last resort. Even though the document you seek does not fall within the scope of the Act, the Ministry has decided to provide the record to you in its entirety. The Ministry notes that in doing so, it is not setting precedent for future requests for court records. Additionally, the Ministry advises that the attached is only a copy of the affidavit submitted to the FCA. For an official, stamped copy, please contact the FCA at your local Registry Office. For further information on obtaining court records, please visit:

http://cas-cdc-www02.cas-satj.gc.ca/portal/page/portal/fca-caf_eng/faq_eng#ACCESS_COURT_RECORDS

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Your file is now closed.

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

If you have any questions regarding your request, please contact Kelly Morita, the analyst assigned to your request, at 250 356-2030. 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 250 356-2030.

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 'kmorita', followed by a long horizontal line extending to the right.

Kelly Morita, FOI Specialist
On behalf of Cindy Kukucska, Manager
Justice / Social 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.