



ARCS: 292-30
File: MAG-2018-85627

March 18, 2019

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:

Regarding a complaint by Ronan/Morgane Oger against Bill Whatcott before the BC Human Rights Tribunal (File 16408): A copy of the contract under which Devyn Cousineau is employed by the Province of British Columbia; A copy of all documentation according to which Devyn Cousineau was appointed to preside over the matter of Oger versus Whatcott; Copies of all records of communications between the BC Human Rights Tribunal and the Ministry of Attorney General concerning the matter of Oger versus Whatcott; Copies of all records of communications between the BC Human Rights Tribunal and the Ministry of Health concerning the matter of Oger versus Whatcott. (Date Range for Record Search: From 11/01/2017 To 09/05/2018)

The Ministry notes that Devyn Cousineau was appointed to her role by Order in Council 175. Orders in Council are publicly available at:

http://www.bclaws.ca/civix/content/oic/oic_cur/?xsl=/templates/browse.xsl

Please find enclosed a copy of the records located in response to your request. The Ministry advises that some of these records are not directly responsive to the wording of your request. However, as they are related to the subject of your request, they have been included as they may be of assistance to you. Some information has been withheld pursuant to sections 13 (Policy advice or recommendations), 17 (Disclosure harmful to the financial or economic interests of a public body), and 22 (Disclosure harmful to personal privacy) of FOIPPA. Certain records have been withheld in their entirety pursuant to section 14 (Legal advice).

Additionally, some records located in response to your request are withheld pursuant to section 79 (Relationship of Act to other Acts) of FOIPPA, as section 61 of the Administrative Tribunals Act expressly provides that FOIPPA does not apply to any of the following:

.../2

- a personal note, communication or draft decision of a decision maker;
- notes or records kept by a person appointed by the tribunal to conduct a facilitated settlement process in relation to an application;
- 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;
- a transcription or tape recording of a tribunal proceeding;
- a document submitted in a hearing for which public access is provided by the tribunal;
- a decision of the tribunal for which public access is provided by the tribunal.

Complete copies of FOIPPA and the Administrative Tribunal Act are available online at:

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

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,



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.