



File: 292-30/MAG-2023-31211

August 23, 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 Attorney General. Your request is for:

*Copies of any MOUs, policies, procedures, or other agreements regarding the services the Legal Services Branch provides in respect to aiding other units of government in preparing records responsive to freedom of information requests. See page 3 of 'Managing Minister's Office Records' for a mention of the Legal Services Branch in this context: [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/records-management/guides/ministers\\_office\\_rm\\_guide.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/records-management/guides/ministers_office_rm_guide.pdf) (Date Range for Record Search: From 1/1/2022 To 1/1/2023)*

Some information has been withheld pursuant to section(s) 13 (Policy advice or recommendations), 14 (Legal advice), 15 (Disclosure harmful to law enforcement), 16 (Disclosure harmful to intergovernmental relations or negotiations), 17 (Disclosure harmful to the financial or economic interests of a public body) and 22 (Disclosure harmful to personal privacy) of FOIPPA. A copy of this section of FOIPPA is provided for your reference. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/civix/document/id/complete/statreg/96165\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00)

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](http://www.gov.bc.ca/openinformation)

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Please find enclosed a copy of the records located in response to your request. 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 Patrick Hung, the analyst assigned to your request, at 778 974-3789. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, MAG-2023-31211, 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,

*Patrick Hung*

Patrick Hung, FOI Analyst  
Information Access Operations

Enclosures

**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](http://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.

*Policy advice or recommendations*

**13** (1)The head of a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister.

(2)The head of a public body must not refuse to disclose under subsection (1)

- (a)any factual material,
- (b)a public opinion poll,
- (c)a statistical survey,
- (d)an appraisal,
- (e)an economic forecast,
- (f)an environmental impact statement or similar information,
- (g)a final report or final audit on the performance or efficiency of a public body or on any of its policies or its programs or activities,
- (h)a consumer test report or a report of a test carried out on a product to test equipment of the public body,
- (i)a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body,
- (j)a report on the results of field research undertaken before a policy proposal is formulated,
- (k)a report of a task force, committee, council or similar body that has been established to consider any matter and make reports or recommendations to a public body,
- (l)a plan or proposal to establish a new program or activity or to change a program or activity, if the plan or proposal has been approved or rejected by the head of the public body,
- (m)information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy, or
- (n)a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3)Subsection (1) does not apply to information in a record that has been in existence for 10 or more years.

*Legal advice*

**14** The head of a public body may refuse to disclose to an applicant information that is subject to solicitor client privilege.

*Disclosure harmful to intergovernmental relations or negotiations*

- 16** (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
- (a) harm the conduct by the government of British Columbia of relations between that government and any of the following or their agencies:
    - (i) the government of Canada or a province of Canada;
    - (ii) the council of a municipality or the board of a regional district;
    - (iii) an Indigenous governing entity;
    - (iv) the government of a foreign state;
    - (v) an international organization of states,
  - (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies, or
  - (c) harm the conduct of negotiations relating to Indigenous self-government or treaties.
- (2) Moreover, the head of a public body must not disclose information referred to in subsection (1) without the consent of
- (a) the Attorney General, for law enforcement information, or
  - (b) the Executive Council, for any other type of information.
- (3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 or more years unless the information is
- (a) law enforcement information, or
  - (b) information referred to in subsection (1) (a) (iii) or (c).

*Disclosure harmful to the financial or economic interests of a public body*

**17** (1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government

of British Columbia or the ability of that government to manage the economy, including the following information:

- (a) trade secrets of a public body or the government of British Columbia;
  - (b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;
  - (c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;
  - (d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;
  - (e) information about negotiations carried on by or for a public body or the government of British Columbia;
  - (f) information the disclosure of which could reasonably be expected to harm the negotiating position of a public body or the government of British Columbia.
- (2) The head of a public body may refuse to disclose under subsection (1) research information if the disclosure could reasonably be expected to deprive the researcher of priority of publication.
- (3) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done
- (a) for a fee as a service to a person, a group of persons or an organization other than the public body, or
  - (b) for the purpose of developing methods of testing.

*Disclosure harmful to personal privacy*

**22** (1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

- (a)the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,
- (b)the disclosure is likely to promote public health and safety or to promote the protection of the environment,
- (c)the personal information is relevant to a fair determination of the applicant's rights,
- (d)the disclosure will assist in researching or validating the claims, disputes or grievances of Indigenous peoples,
- (e)the third party will be exposed unfairly to financial or other harm,
- (f)the personal information has been supplied in confidence,
- (g)the personal information is likely to be inaccurate or unreliable,
- (h)the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and
- (i)the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

(3)A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

- (a)the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,
- (b)the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,
- (c)the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,
- (d)the personal information relates to employment, occupational or educational history,
- (e)the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,



(f)the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness,

(g)the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party,

(h)the disclosure would reveal

(i)the identity of a third party who supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation, or

(ii)the content of a personal recommendation or evaluation, character reference or personnel evaluation supplied, in confidence, by a third party, if the applicant could reasonably be expected to know the identity of the third party,

(i)the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations, or

(j)the personal information consists of the third party's name, address, or telephone number and is to be used for mailing lists or solicitations by telephone or other means.

(4)A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a)the third party has, in writing, consented to or requested the disclosure,

(b)there are compelling circumstances affecting anyone's health or safety and notice of disclosure is mailed to the last known address of the third party,

(c)an enactment of British Columbia or Canada authorizes the disclosure,

(d)the disclosure is for a research or statistical purpose and is in accordance with section 33 (3) (h),

(e)the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,

- (f)the disclosure reveals financial and other details of a contract to supply goods or services to a public body,
- (g)public access to the information is provided under the *Financial Information Act*,
- (h)the information is about expenses incurred by the third party while travelling at the expense of a public body,
- (i)the disclosure, in respect of
  - (i)a licence, a permit or any other similar discretionary benefit, or
  - (ii)a degree, a diploma or a certificate,

reveals any of the following with respect to the applicable item in subparagraph (i) or (ii):

- (iii)the name of the third party to whom the item applies;
  - (iv)what the item grants or confers on the third party or authorizes the third party to do;
  - (v)the status of the item;
  - (vi)the date the item was conferred or granted;
  - (vii)the period of time the item is valid;
  - (viii)the date the item expires, or
- (j)the disclosure, in respect of a discretionary benefit of a financial nature granted to a third party by a public body, not including personal information referred to in subsection (3) (c), reveals any of the following with respect to the benefit:
- (i)the name of the third party to whom the benefit applies;
  - (ii)what the benefit grants to the third party;
  - (iii)the date the benefit was granted;
  - (iv)the period of time the benefit is valid;
  - (v)the date the benefit ceases.

(5)On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless

- (a)the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information, or

(b)with respect to subsection (3) (h), either paragraph (a) of this subsection applies or the applicant could reasonably be expected to know the identity of the third party who supplied the personal recommendation or evaluation, character reference or personnel evaluation.

(6)The head of the public body may allow the third party to prepare the summary of personal information under subsection (5).

<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.