



File: 292-40/PSS-2024-41237

October 2, 2024

**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 Public Safety and Solicitor General. Your request is for:

Any documents related to any application by North Root Cannabis Ltd. or [Named Individual] for a license to open and operate a cannabis retail store at 416 E Columbia Street, New Westminster, BC (the "Premises"), including, but not limited to, the following documents: Any communications, including e-mails and letters between North Root, [Named Individual], their counsel or representative, and the LCRB; Any internal communications between LCRB representatives regarding any application by North Root or [Named Individual] for a license to open and operate a retail cannabis store at the Premises; Any communications between the LCRB and any third party related to any application by North Root or [Named Individual] for a license to open and operate a retail cannabis store at the Premises; Any documents submitted to the LCRB by North Root, [Named Individual], their counsel or representative, or any third party in relation to any application by North Root or [Named Individual] for a license to open and operate a retail cannabis store at the Premises; and any internal LCRB notes or memos regarding any application by North Root or [Named Individual] for a license to open and operate a retail cannabis store at the Premises.

Some information has been withheld pursuant to section(s) 13 (Policy advice or recommendations), 14 (Legal advice), 15 (Disclosure harmful to law enforcement), 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. Copies of these sections of FOIPPA are provided for your reference. A complete copy of FOIPPA is available online at:

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

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Information that is available for purchase by the public has been removed pursuant to section 3(5)(a) of FOIPPA. You can purchase the records at <https://justice.gov.bc.ca/cso/esearch/civil/fileSearch.do>

Please note, the records that have been withheld in full under section 3(5)(a) are the affidavits that you had provided previously, and therefore you may not necessarily have to purchase these records under the Court Services Online website if you still have the original copies. The link above is provided just in case you no longer have the original copies.

Where section 15 is noted, we have identified information that relates to investigative techniques and procedures currently used, or likely to be used, in law enforcement. This information has been withheld under section 15(1)(c) of FOIPPA.

Where section 22 is noted, we have removed the personal information of a third party, usually a name or other private information about another individual. FOIPPA requires us to remove third party personal information.

Your file is now closed.

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.

If you have any questions regarding your request, please contact me at 778 974-3789. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, found at the top right of the first page of this letter, 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.

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.

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.

Freedom of Information and Protection of Privacy Act

Application

3 (1) Subject to subsections (3) to (5), this Act applies to all records in the custody or under the control of a public body, including court administration records.

(2) Part 3 applies

(a) to all employees, officers and directors of a public body, and

(b) in the case of an employee that is a service provider, to all employees and associates of the service provider.

(3) This Act does not apply to the following:

(a) a court record;

(b) a record of

(i) a judge of the Court of Appeal, Supreme Court or Provincial Court,

(ii) a master of the Supreme Court, or

(iii) a justice of the peace;

(c) a judicial administration record;

(d) a record relating to support services provided to a judge of a court referred to in paragraph (b) (i);

(e) a personal note, communication or draft decision of a person who is acting in a judicial or quasi-judicial capacity;

(f) a record that is created by or for, or is in the custody or under the control of, an officer of the Legislature and that relates to the exercise of functions under an Act;

(g) a record that is created by or for, or is in the custody or under the control of, the general under the Auditor General for Local Government Act and that relates to the exercise of functions under that Act;

(h) a record of a question or answer to be used on an examination or test;

(i) a record containing teaching or research materials of

(i) a faculty member, as defined in the College and Institute Act and the University Act, of a post-secondary educational body,

(ii) a teaching assistant or research assistant employed at a post-secondary educational body, or

(iii) another person teaching or carrying out research at a post-secondary educational body;

(j) a record placed in the archives of a public body, or the digital archives or museum archives of government, by or for a person or agency other than a public body;

(k) a record relating to a prosecution if not all proceedings in respect of the prosecution have been completed;

(l) a record of a service provider that is not related to the provision of services for a public body.

(4) This Act, other than sections 30, 30.3, 30.5 (2), 33 and 65.3 to 65.6, does not apply to

(a) an officer of the Legislature, including all employees of the officer of the Legislature and, in the case of an employee that is a service provider, all employees and associates of the service provider, or

(b) the auditor general under the Auditor General for Local Government Act, including all employees of that auditor general and, in the case of an employee that is a service provider, all employees and associates of the service provider.

(5) Part 2 does not apply to the following:

- (a) a record that is available for purchase by the public;
 - (b) a record that does not relate to the business of the public body;
 - (c) a record of metadata that
 - (i) is generated by an electronic system, and
 - (ii) describes an individual's interaction with the electronic system;
 - (d) an electronic record that has been lawfully deleted by an employee of a public body and can no longer be accessed by the employee.
- (6) This Act does not limit the information available by law to a party to a proceeding.
- (7) If a provision of this Act is inconsistent or in conflict with a provision of another Act, this Act prevails unless the other Act expressly provides that it, or a provision of it, applies despite this Act.

15 Disclosure harmful to law enforcement

(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 a law enforcement matter,
- (b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,
- (c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,
- (d) reveal the identity of a confidential source of law enforcement information,
- (e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,
- (f) endanger the life or physical safety of a law enforcement officer or any other person,
- (g) reveal any information relating to or used in the exercise of prosecutorial discretion,
- (h) deprive a person of the right to a fair trial or impartial adjudication,
- (i) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment,
- (j) facilitate the escape from custody of a person who is under lawful detention,
- (k) facilitate the commission of an offence under an enactment of British Columbia or Canada, or
- (l) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

(2) The head of a public body may refuse to disclose information to an applicant if the information

- (a) is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,
- (b) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or
- (c) is about the history, supervision or release of a person who is in custody or under supervision and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

- (3) The head of a public body must not refuse to disclose under this section
 - (a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act,
 - (b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program or activity unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2), or
 - (c) statistical information on decisions under the *Crown Counsel Act* to approve or not to approve prosecutions.
- (4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute
 - (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
 - (b) to any other member of the public, if the fact of the investigation was made public.

16 Disclosure harmful to intergovernmental relations or negotiations

- (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).

18.1 Disclosure harmful to interests of an Indigenous people

- (1) The head of a public body must refuse to disclose information if the disclosure could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop any of the following with respect to the Indigenous people:
 - (a) cultural heritage;
 - (b) traditional knowledge;
 - (c) traditional cultural expressions;
 - (d) manifestations of sciences, technologies or cultures.

(2) Subsection (1) does not apply if the Indigenous people has consented in writing to the disclosure.

22 Disclosure harmful to personal privacy

(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).