



File: 292-30/TRA-2023-31913

September 7, 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 Transportation and Infrastructure. Your request is for:

*All drafts, revisions, and final copies of Records regarding MOTI File No: 15-21-78-1012*

*Any Records that mention the construction of the existing culvert under CV HWY*

*Any Records with regards to an assessment of subsurface geology and ground water conditions as part of the series of approvals leading to the development of LVHP mentioned in the file.*

*Any Records that have mention of the Frosst Creek Tributary. This could include but not be limited to the modification of the water course, construction activities involved with this straight channel and its formation.*

*Any mention of confining, directing, restricting or otherwise altering the natural unconfined alluvial fan of this un-named watercourse which is a tributary to Frosst Creek and septic, waterlines and or electricity infrastructures which cross this watercourse. (in some cases but not on maps referred to as Belgrove Creek) in File: 15-21-78-1012 (Date Range for Record Search: From 2/1/1976 To 12/31/1985)*

Some information has been withheld pursuant to section 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](http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00)

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://ltsa.ca/>

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We have provided you with the best available copy, although you may find that some pages are in poor condition.

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)

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 Chris Hodgson, the analyst assigned to your request, by email or at 778 698-4157. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, TRA-2023-31913, 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,

A handwritten signature in black ink, appearing to read 'CH', is positioned below the word 'Sincerely,'.

Chris Hodgson, Senior 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.

<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.

## **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 auditor 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.