

Russell, Shannon CITZ:EX

From: Biggs, Jackie CITZ:EX
Sent: Thursday, June 28, 2018 3:00 PM
To: Russell, Shannon CITZ:EX
Subject: FW: Section 43 letter to IPC. 6 (3)
Attachments: Section 43 letter to IPC. 6 (3).docx

Per your conversation with David.

J

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Withheld pursuant to/removed as

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Fleurant, Kathleen CITZ:EX

From: Russell, Shannon CITZ:EX
Sent: Thursday, June 28, 2018 6:58 PM
To: Sims, Jinny CITZ:EX
Subject: Fwd: Heads Up: Request to OIPC re volume of records requested
Attachments: IN Large FOI for private email.docx; ATT00001.htm; Section 43 letter to IPC. 6 (3).docx; ATT00002.htm

KMs for you.

From: "Harbord, Chris GCPE:EX" <Chris.Harbord@gov.bc.ca>
Date: June 28, 2018 at 4:38:34 PM PDT
To: "Russell, Shannon CITZ:EX" <Shannon.Russell@gov.bc.ca>, "Kristianson, Eric GCPE:EX" <Eric.Kristianson@gov.bc.ca>, "Machell, Aileen GCPE:EX" <Aileen.Machell@gov.bc.ca>, "Hannah, Matt GCPE:EX" <Matt.Hannah@gov.bc.ca>
Subject: Heads Up: Request to OIPC re volume of records requested

Hi there – please find attached an issues note, and a letter from a government lawyer to the OPIC.
Please let me know if you have any questions. Cheers, Chris

Chris Harbord
Communications Director
Ministry of Citizens' Services
Government Communications and Public Engagement
P: 250 952-7302 | M: 250 920-5079 | chris.harbord@gov.bc.ca

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Citizens' Services Date: June 28, 2018 Minister Responsible: Jinny Sims	Large FOI for private email
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ADVICE AND RECOMMENDED RESPONSE:

- Government is committed to ensuring the FOI system in B.C. is transparent, accountable and provides timely service to British Columbians.
- FOI supports accountability and transparency into public bodies' activities. It also enables the media to access government information to share with the public and helps lawyers build cases, academics perform research, and entrepreneurs grow the economy.
- The Freedom of Information and Protection of Privacy Act (FOIPPA) contains a clause that protects the FOI system from requests that could inappropriately overload the system.

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- In order to ensure the FOI system operates effectively for the many people who depend on it, we have asked the Information and Privacy Commissioner to give government the authority to disregard this request.

IF PRESSED:

- This latest request would require government to process more than 850 individual FOI requests, at costs that could potentially exceed \$2 million.
- The applicant in this case has been filing many requests for large volumes of records and using the system in a way that diminishes government's ability to provide a quality FOI service to British Columbians.
- Through the first three months of 2018, this applicant has submitted more than 1,750 FOI requests, or 73% of all general requests received by government. The estimated cost of processing these requests is \$4.7 million.
- Political parties play a critical role in our democracy, but the large volume of requests impacts our ability to provide timely FOI service.

BACKGROUND REGARDING THE ISSUE:

- Government, through its Legal Services Branch (LSB), has written to the Office of the Information and Privacy Commissioner (OIPC) to request authority to disregard an FOI request submitted by a political party. The letter has also been copied to the applicant.

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- The applicant requested through FOI "All emails sent to, or received from, [specified non-government email addresses] including cc's and bcc's (Date range for records search: From 07/18/2017 to 05/15/2018)".
- The requests name more than 35 personal email accounts that may be associated with government staff, and were submitted to every government ministry, including the Public Service Agency, GCPE and Office of the Premier.
- Processing this request requires government to create more than 850 individual FOI requests in order to gather the records. Government has not yet worked with the applicant to attempt to narrow the request and awaits the OIPC's decision.
- There are currently approximately 2,200 general FOI requests open in the system. Including this latest request, the applicant accounts for more than 1,700 of them, or nearly 80%.
- Section 43 of FOIPPA enables government to disregard a request as either 1) frivolous or vexatious, or 2) representing an unreasonable interference with the operation of government because of the systematic or repetitious nature of the request. Use of the section requires OIPC approval.
- Additionally, staff have identified a privacy risk associated with attempting to respond to the request, as some of the private email addresses listed contain the names of the account holders. There is a risk that responding could disclose the personal information of government employees named in the requests.
- IAO staff advise that there is limited precedent for responding to FOI requests involving the personal email of government employees.

Communications Contact: Ben Ingram 778-698-5379

Reviewer: Chad Hoskins

Ministry Lead (Name/ Branch/ Phone):

Sign off:

Minister's Office	Program Area	Deputy	Communications
	CH/MS/DC		CH/JW

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Russell, Shannon CITZ:EX

From: Biggs, Jackie CITZ:EX
Sent: Monday, July 9, 2018 11:41 AM
To: Russell, Shannon CITZ:EX
Subject: FW: Section 43 application to Commissioner
Attachments: LT McEvoy 28 June 2018.pdf; Appendix A.xlsx

As requested.

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Russell, Shannon CITZ:EX

From: Harbord, Chris GCPE:EX
Sent: Tuesday, July 10, 2018 12:14 PM
To: Marriott, Sarah GCPE:EX; Kristianson, Eric GCPE:EX; Howlett, Tim GCPE:EX; Machell, Aileen GCPE:EX; Russell, Shannon CITZ:EX
Subject: FYI: letter from the Chief of Staff of the Official Opposition re section 43 application
Attachments: LF Sproule 7 July 2018.pdf
Importance: High

We just got this letter in the last hour...FYI. s.13

From: Curtis, David CITZ:EX
Sent: Tuesday, July 10, 2018 12:00 PM
To: Kot, Jill CITZ:EX; Harbord, Chris GCPE:EX
Subject: FW: Section 43 FOIPPA Applicant

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Russell, Shannon CITZ:EX

From: Harbord, Chris GCPE:EX
Sent: Tuesday, July 10, 2018 12:25 PM
To: Russell, Shannon CITZ:EX
Subject: FW: Emails
Attachments: Section 43 application to Commissioner; Section 43 FOIPPA Applicant; FW: Request to Disregard Access Requests (OIPC File F18-75738)

As requested

From: Curtis, David CITZ:EX
Sent: Tuesday, July 10, 2018 12:24 PM
To: Harbord, Chris GCPE:EX
Cc: Kot, Jill CITZ:EX
Subject: Emails

Hi Chris,

Please find attached:

- government's submission to OIPC
- Applicant's response to the OIPC
- Government's clarification of initial submission (should be second in chronological order).

Regards,

David

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Russell, Shannon CITZ:EX

From: Russell, Shannon CITZ:EX
Sent: Tuesday, July 10, 2018 12:51 PM
To: Harbord, Chris GCPE:EX
Subject: RE: Application to Disregard (OIPC file F18-75738)

K thx

From: Harbord, Chris GCPE:EX
Sent: Tuesday, July 10, 2018 12:30 PM
To: Russell, Shannon CITZ:EX; Kristianson, Eric GCPE:EX; Marriott, Sarah GCPE:EX; Machell, Aileen GCPE:EX; Howlett, Tim GCPE:EX
Subject: FW: Application to Disregard (OIPC file F18-75738)

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From: Curtis, David CITZ:EX
Sent: Tuesday, July 10, 2018 12:26 PM
To: Harbord, Chris GCPE:EX
Cc: Kot, Jill CITZ:EX
Subject: FW: Application to Disregard (OIPC file F18-75738)

New correspondence from OIPC.

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Russell, Shannon CITZ:EX

From: Harbord, Chris GCPE:EX
Sent: Tuesday, July 10, 2018 4:23 PM
To: Kot, Jill CITZ:EX
Cc: Curtis, David CITZ:EX; Russell, Shannon CITZ:EX; Marriott, Sarah GCPE:EX
Subject: For Review: Statement re OIPC/large email volume
Attachments: MR_Rob Shaw - letter re large volume of email-FOI 2.docx

Hi Jill – please find attached the draft statement for your review.

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Happy to chat further.

Cheers, Chris

s.13

Chris Harbord
Communications Director
Ministry of Citizens' Services
Government Communications and Public Engagement
P: 250 952-7302 | M: 250 920-5079 | chris.harbord@gov.bc.ca

Reporter

Rob Shaw, Reporter

PRESS GALLERY

rshaw@postmedia.com

250-953-5932 c: 250-893-0841

Deadline 4 p.m.

Request

I'm going to do a story today about this letter from a government lawyer to the Liberal opposition regarding FOI requests.

I'd be interested in talking to the minister about why government thinks that cracking down on the Official Opposition's use of FOI is the kind of openness and transparency promised by her party in the past, given that the opposition has an important role in holding government to account.

So we're clear up front, I'm not particularly interested in a statement, since I could just get that from the letter. But I am interested in talking to the minister.

Suggested statement:

Sent on behalf of Jill Kot, Deputy Minister, Ministry of Citizens' Services

"My ministry is committed to ensuring the freedom of information system in B.C. is transparent, accountable and provides timely service to British Columbians.

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This request would require government to process more than 850 individual FOI requests, at costs that could potentially exceed \$2 million. Through the first three months of 2018, this applicant has submitted more than 1,750 FOI requests, or 73% of all general requests received by government. The estimated cost of processing these requests is \$4.7 million.

Between January and March 2018, there were 1,560 requests from political parties, a 429% increase over the same quarter in 2016/17 (295 requests). This significant increase in requests has understandably had operational impacts on the system's ability to provide timely FOI service to British Columbians."

It's important to note that the public service followed appropriate processes in this instance. The requests were not acknowledged because government was submitting an application to the Commissioner to disregard these requests, which was done within legislated timelines.

If the Commissioner directs government to process these requests, our regular FOI processes, including acknowledgment s.13

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Russell, Shannon CITZ:EX

From: Harbord, Chris GCPE:EX
Sent: Tuesday, July 10, 2018 4:50 PM
To: Russell, Shannon CITZ:EX; Kot, Jill CITZ:EX
Cc: Curtis, David CITZ:EX; Marriott, Sarah GCPE:EX
Subject: RE: For Review: Statement re OIPC/large email volume

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From: Russell, Shannon CITZ:EX
Sent: Tuesday, July 10, 2018 4:48 PM
To: Kot, Jill CITZ:EX
Cc: Harbord, Chris GCPE:EX; Curtis, David CITZ:EX; Marriott, Sarah GCPE:EX
Subject: Re: For Review: Statement re OIPC/large email volume

To confirm, David has approved this from a privacy perspective, correct?

Thx
Shannon

Sent from my iPhone

On Jul 10, 2018, at 4:34 PM, Kot, Jill CITZ:EX <Jill.Kot@gov.bc.ca> wrote:

Has david approved?

Sent from my iPhone

On Jul 10, 2018, at 4:22 PM, Harbord, Chris GCPE:EX <Chris.Harbord@gov.bc.ca> wrote:

Hi Jill – please find attached the draft statement for your review.

s.13

Happy to chat further.

Cheers, Chris

s.13

Chris Harbord
Communications Director
Ministry of Citizens' Services
Government Communications and Public Engagement
P: 250 952-7302 | M: 250 920-5079 | chris.harbord@gov.bc.ca

<MR_Rob Shaw - letter re large volume of email-FOI 2.docx>

Russell, Shannon CITZ:EX

From: Marriott, Sarah GCPE:EX
Sent: Wednesday, July 11, 2018 2:50 PM
To: Russell, Shannon CITZ:EX; Harbord, Chris GCPE:EX
Subject: KMs for Minister
Attachments: 2018.07.11 - KMs MJS.docx

Attached is my rough first cut of KMs and QA for the Minister just in case she's asked when doing other media. Please feel free to make edits/run it past folks on your end. -

I'll run the final copy past Tim.

You'll note that there's one question that needs a response – I'll leave that one to the experts!

Sarah Marriott
Issues Manager
250.361.8416

Key messages

- This application was initiated by senior public servants, independent of me and my office. That's their right under the legislation.
- Government is committed to being open and transparent with British Columbians, and to providing timely FOI service.
- That is why I understand the civil service decided to ask the OIPC to allow this request to be disregarded to ensure the FOI system operates effectively for the many people who depend on it.

The Opposition says that the appropriate process wasn't followed in this case. Is that true?

- The civil service has said that they followed appropriate processes. Again, that was their decision.

On the OIPC's statement about seeking a settlement:

- That's the appropriate process and that work is with the Office of the Information and Privacy Commissioner.

Given how hard you prosecuted the previous government on FOI, why hasn't your government allocated the resources necessary to deal with requests?

- ...

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- I understand that the issue the civil service has with this one request is the scope of it. It would require government to process more than 850 individual FOI requests, at costs that could potentially exceed \$2 million.

Russell, Shannon CITZ:EX

From: Harbord, Chris GCPE:EX
Sent: Wednesday, July 11, 2018 5:15 PM
To: Russell, Shannon CITZ:EX
Subject: RE: For Minister RUSH
Attachments: Sec 43 FOI KMS.docx

Hi there – I read these to David over the phone and he's approved. They are in line with what we've been saying on this issue. Please let me know if you need anything further. Cheers, Chris

From: Russell, Shannon CITZ:EX
Sent: Wednesday, July 11, 2018 3:02 PM
To: Harbord, Chris GCPE:EX
Subject: FW: For Minister RUSH
Importance: High

Hi – I updated the KMs somewhat so please use this version instead and please also incorporate Jill's letter details into the KMs.

Thanks,
Shannon

From: Russell, Shannon CITZ:EX
Sent: Wednesday, July 11, 2018 2:53 PM
To: Harbord, Chris GCPE:EX
Subject: For Minister RUSH
Importance: High

Chris, as per Sarah's note below, could you please review the KMs for accuracy/edits and I will do the same. Could you also please get an answer to the following:

Given how hard you prosecuted the previous government on FOI, why hasn't your government allocated the resources necessary to deal with requests?

• ...

Minister will need to have these KMs today for her interview with Romana tomorrow morning at 9:10am.

Thanks,
Shannon

From: Marriott, Sarah GCPE:EX
Sent: Wednesday, July 11, 2018 2:50 PM
To: Russell, Shannon CITZ:EX; Harbord, Chris GCPE:EX
Subject: KMs for Minister

Attached is my rough first cut of KMs and QA for the Minister just in case she's asked when doing other media. Please feel free to make edits/run it past folks on your end.

I'll run the final copy past Tim.

You'll note that there's one question that needs a response – I'll leave that one to the experts!

Key messages

- This application was initiated by senior public servants and I was informed of this decision after it was made.
- Government is committed to being open and transparent with British Columbians, and to providing timely FOI service.
- That is why I understand the civil service asked the OIPC to allow this request to be disregarded – to ensure the FOI system operates effectively for the many people who depend on it.
- These requests would require government to process more than 850 individual FOI requests, at costs that could potentially exceed \$2 million.
- Through the first three months of 2018, this applicant has submitted more than 1,750 FOI requests, or 73% of all general requests received by government. The estimated cost of processing these requests is \$4.7 million.
- Between January and March 2018, there were 1,560 requests from political parties, a 429% increase over the same quarter in 2016/17 (295 requests).
- This significant increase in requests has understandably had operational impacts on the system's ability to provide timely FOI service to British Columbians.
- My ministry is focussed on supporting a freedom of information system that is transparent, accountable and provides quality service.

The Opposition says that the appropriate process wasn't followed in this case. Is that true?

- The civil service has said that they followed appropriate processes.

On the OIPC's statement about seeking a settlement:

- That's the appropriate process and that work is with the Office of the Information and Privacy Commissioner.

Given how hard you prosecuted the previous government on FOI, why hasn't your government allocated the resources necessary to deal with requests?

- In the last budget, government increased the funding for FOI by \$2.25 million and added 11 new staff to enhance information management and improve response times.
- However, given the increase in demand, the ministry is challenged to provide timely, high quality service to British Columbians.

- I understand that the issue the civil service has with this one request is the scope of it. It would require government to process more than 850 individual FOI requests, at costs that could potentially exceed \$2 million.

Sarah Marriott
Issues Manager
250.361.8416