

From: [Schumm, Ryan](#)
To: [OOP FOI PREM:EX](#)
Subject: Call for Records OOP-2019-91509 Due March 27, 2019
Date: March 13, 2019 11:06:19 AM
Attachments: [Integrated Call for Records Form - OOP-2019-91509.pdf](#)

Hello,

Please see details below regarding this formal request made under the *Freedom of Information and Protection of Privacy Act* (FOIPPA):

All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017) Date Format is MM/DD/YYYY

Applicant Type: Media
Request also directed to: PSA
Records Due: March 27, 2019
Legislated Due Date: April 24, 2019
IAO Contact: Ryan Schumm

Please complete and return the attached Call for Records form to
IAOCentralTeam@gov.bc.ca.

Fee estimate instructions: (see CFR form for fee calculation information and due date)

If search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records exceeds 200 pages, complete **only** Sections 1 & 2 of the Call for Records Form as we may be in a position to issue a fee estimate. Then, return the form to the IAO by the Fee Estimate Due date noted above. Please await further instruction from IAO as the records will not be required until the fee estimate process has been completed. Once fees have been paid or waived, IAO will contact you to continue the call for records process. IAO will advise you if the request is abandoned and closed.

Send records via email in PDF format. If email is not possible, please send the records in electronic format via house mail with the completed form.

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay, openly, accurately, and completely. In the event that the ministry must defend the adequacy of its search to the Information and Privacy Commissioner at Inquiry, those involved in searching for records may be required to sign affidavits confirming they have conducted an adequate search for relevant records.

Please do not hesitate to contact IAO to discuss:

- whether the records may be routinely releasable;
- whether the information is being prepared for public release or is already publicly available;
- any other questions or concerns relating to this request.

Thank you for your assistance,

Ryan Schumm, FOI Analyst
Central Agency Team
Information Access Operations

GENERAL REQUEST ☐

PERSONAL REQUEST ☐

Personal Request authorization received date: _____

APPLICANT TYPE	DATE RECEIVED	FOI ANALYST	FEE ESTIMATE DUE	RECORDS DUE
Media	March 11, 2019	Ryan Schumm		March 27, 2019

REQUEST DETAILS:

All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017)

Section 1: Initial Records Assessment

Do you hold responsive records? If no, please provide an explanation that can be given to the applicant (if applicable):	YES ☐	NO ☐
Are you aware of other records that may be responsive to this request within your Ministry?	YES ☐	NO ☐
Are you aware of other records that may be responsive to this request held by another public body?	YES ☐	NO ☐
If yes, specify:		

NO RECORDS RESPONSE APPROVAL:

Please forward to Ministry FOI Contact (if applicable) for Delegated Head's final public body approval if no records have been located.

Final Public Body Approval (Full name, Title)	Signature:	Date:

Section 2: Fee Estimate — General Request only (if this is a Personal Request skip to Section 3)

Please ensure that all reasonable efforts are made to generate as accurate an estimate as possible

Search

Locating/Retrieving

Tasks may include:

- Searching for hard & electronic files
- Reviewing box content lists
- Retrieving records from off site
- Retrieving email records (Outlook)

Estimated Hours

Actual Hours

Producing records

Tasks may include:

- Identifying relevant sources of data/information
- Manual time spent creating and producing records

Estimated Hours

Actual Hours

Volume

Electronic files (in pages):

*Other refers to PDF, Word, Excel, photos and any other electronic file responsive to the request

Email without attachments:

Estimated Pages Actual Pages

Email with attachments:

Estimated Pages Actual Pages

*Other documents

Estimated Pages Actual Pages

Hardcopy files (in pages):

- Average file folder = 1" and holds approximately 200 pages (single sided)
- 1 Standard Records Centre Services Box:
 - If in legal sized folders - 1,800 pages
 - If in letter sized folders - 2,200 pages

Estimated Pages Actual Pages

Preparation

Tasks may include :

- Photocopying/scanning records into electronic format (PDF)
- Ensuring completeness of responsive records
- Copying other types of media; if so please specify:

Estimated Hours Actual Hours

Section 3: Search Summary and Program Area Recommendations

Please describe the search for records including what records were searched, (eg. files, email, databases, TRIM files, off site records, etc.), duration of search time, and who concluded the search for records.

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Could release of any/all of the responsive records potentially cause harm?

YES ☐

NO ☐

***Harm** – Disclosure of the records would significantly harm the ministry’s position, or a third party’s interests on a given topic. The harms assessment allows FOI staff to better understand the context of the records and make informed severing recommendations based on potential harms. (Issues associated with possible disclosure through the FOI process that are unrelated to the harms assessment should be communicated to your ministry executive and/or Government Communications and Public Engagement office.)

If yes which information, if released, may cause harm?

- Please reference the applicable records and information of concern, the harms, and associated page numbers below.
- If any of these records have been prepared for, or used to inform, a decision of Cabinet or any of its committees, section 12 (Cabinet confidences) may apply. Please identify the applicable records and advise: (1) what is the status of the issue? and (2) has the decision been made public or implemented?

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(GENERAL REQUEST ONLY)-

Unless specific exemption criteria apply, records provided to the applicant in response to this request will be published on the Government’s Open Information Website. If you have any concerns about the publication of the responsive records please indicate here or discuss with your FOI Analyst.

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Section 4: Contact Information

Who completed this form? (Full Name, Title):

Phone Number:

Date:

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Harms assessment completed by (Full Name, Title)

Program Area:

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Harms assessment approved by (Full Name, Title)

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From: [OOP FOI PREM:EX](#)
To: [IAO CentralTeam CITZ:EX](#)
Subject: OOP-2019-91509 completed CFR
Date: March 15, 2019 3:50:00 PM
Attachments: [Integrated Call for Records Form - OOP-2019-91509.pdf](#)

Hello,

Please see attached completed call for records for OOP-2019-91509.

Thank you,

Jackie

GENERAL REQUEST ☒

PERSONAL REQUEST ☐

Personal Request authorization received date: _____

APPLICANT TYPE	DATE RECEIVED	FOI ANALYST	FEE ESTIMATE DUE	RECORDS DUE
Media	March 11, 2019	Ryan Schumm		March 27, 2019

REQUEST DETAILS:

All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017)

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Do you hold responsive records? If no, please provide an explanation that can be given to the applicant (if applicable):		YES ☐	NO ☐
Are you aware of other records that may be responsive to this request within your Ministry?		YES ☐	NO ☐
Are you aware of other records that may be responsive to this request held by another public body?		YES ☐	NO ☐
If yes, specify:			

NO RECORDS RESPONSE APPROVAL:

Please forward to Ministry FOI Contact (if applicable) for Delegated Head's final public body approval if no records have been located.

Final Public Body Approval (Full name, Title)	Signature:	Date:

Section 2: Fee Estimate — General Request only (if this is a Personal Request skip to Section 3)

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Estimated Hours

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Estimated Pages

Actual Pages

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Tasks may include :

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- Ensuring completeness of responsive records
- Copying other types of media; if so please specify: _____

Estimated Hours

Actual Hours

Section 3: Search Summary and Program Area Recommendations

Please describe the search for records including what records were searched, (eg. files, email, databases, TRIM files, off site records, etc.), duration of search time, and who concluded the search for records.

Access denied pursuant to section 8 (2) of the Act.

Could release of any/all of the responsive records potentially cause harm?

YES ☐

NO ☐

***Harm – Disclosure of the records would significantly harm the ministry's position, or a third party's interests on a given topic. The harms assessment allows FOI staff to better understand the context of the records and make informed severing recommendations based on potential harms. (Issues associated with possible disclosure through the FOI process that are unrelated to the harms assessment should be communicated to your ministry executive and/or Government Communications and Public Engagement office.)**

If yes which information, if released, may cause harm?

- Please reference the applicable records and information of concern, the harms, and associated page numbers below.
- If any of these records have been prepared for, or used to inform, a decision of Cabinet or any of its committees, section 12 (Cabinet confidences) may apply. Please identify the applicable records and advise: (1) what is the status of the issue? and (2) has the decision been made public or implemented?

(GENERAL REQUEST ONLY)-

Unless specific exemption criteria apply, records provided to the applicant in response to this request will be published on the Government's Open Information Website. If you have any concerns about the publication of the responsive records please indicate here or discuss with your FOI Analyst.

Section 4: Contact Information

Who completed this form? (Full Name, Title):

Phone Number:

Date:

Jackie Hendry Director Executive Operations

250-952-0527

March 15, 2019

Harms assessment completed by (Full Name, Title)

Program Area:

Harms assessment approved by (Full Name, Title)

From: [Schumm, Ryan](#)
To: [OOP FOI PREM:EX](#)
Subject: Sign Off OOP-2019-91509
Date: March 18, 2019 11:19:18 AM
Attachments: [Sign Off OOP-2019-91509.pdf](#)
[OOP-2019-91509 - DRAFT Response - Access Denied.docx](#)

Please see attached sign off package for public body approval.

Sign off due: April 24, 2019

Legislated due date of file: April 24, 2019

Thank you,

Ryan Schumm, FOI Analyst
Central Team
Information Access Operations

IAO - Review of Harms and Response Recommendations

Request Received: March 11, 2019 **Due Date:** April 24, 2019 **Applicant type:** Media

Description: *All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017).*

Comments/Background:

- Exec/DMO was canvassed.
- The Office of the Premier indicated that access should be denied, as confirming or denying the existence of records of this type would be an unreasonable invasion of the named individual's personal privacy.
- This request was also directed to the BC Public Service Agency under reference number PSA-2019-91510. That file is currently in sign-off and is also recommending a s.8(2)(b) response.

Consultations:

- None.

Recommendations:

- Neither confirm or deny the existence of a records under s. 8(2)(b)
- Please see the attached draft response letter for the applicant.

Publication Recommendations:

- Note that all **general FOI request records** that are released to an applicant should be published on the Open Information website unless the exemption criteria apply. The exemption criteria can be found on page 3 of Ministerial Directive 06-2016 and on page 11 of the Open Information and Open Data Policy.
- **Effective October 1, 2016** records (or portions of records) unable to be published due to federal copyright legislation will be redacted prior to publication by the Open Information team.
 - IAO recommends: Do Not Publish.
 - The reason for 'Do Not Publish' is: Outside Scope of Publication Policy.

FOI Analyst: Ryan Schumm

Signature:



Date: March 18, 2019

Team Lead: Natalie Appleton

Signature:



Date: March 18, 2019

Ministry - Agreement with Recommendations

Approval Authority

Name: Don Wright, DM to the
Premier, Cabinet Secretary, and
Head of the Public Service

Signature:

Date:

Exercise of Discretion:

The *Freedom of Information and Protection of Privacy Act* (FOIPPA) contains both mandatory and discretionary exceptions to disclosure. Sections 13 to 20 are the discretionary exceptions. Where Information Access Operations (IAO) has advised the head that a discretionary exception may apply, it is important that the head consider the possibility of releasing the information despite the fact that an exception may apply.

Factors relevant to the exercise of discretion include:

- the general purposes of the legislation: public bodies should make information available to the public; individuals should have access to personal information about themselves;
- the wording of the discretionary exception and the interests which the section attempts to balance;
- whether the individual's request could be satisfied by severing the record and by providing the applicant with as much information as is reasonably practicable;
- the historical practice of the public body with respect to the release of similar types of documents;
- the nature of the record and the extent to which the document is significant and/or sensitive to the public body;
- whether the disclosure of the information will increase public confidence in the operation of the public body;
- the age of the record;
- whether there is a sympathetic or compelling need to release materials;
- whether previous orders of the Commissioner have ruled that similar types of records or information should or should not be subject to disclosure; and
- when the policy advice exception is claimed, whether the decision to which the advice or recommendations relates has already been made.



ARCS: 292-30
File: OOP-2019-91509

March 18, 2019

Sent via email:

Dear

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 Office of the Premier. Your request is for:

All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017)

Pursuant to section 8 of FOIPPA, the Office of the Premier neither confirms nor denies the existence of the record(s) you have requested. A complete copy of FOIPPA is available online at: A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Your file is now closed.

If you have any questions regarding your request, please contact Ryan Schumm, the analyst assigned to your request, at 778 698-3285. 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 778 698-3285.

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.

.../2

Sincerely,

Natalie Appleton, Team Lead
On behalf of Cindy Elbahir, Manager
Central Agency Team, Information Access Operations

Enclosures

How to Request a Review with the Office of the Information and Privacy Commissioner
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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.

IAO - Review of Harms and Response Recommendations

Request Received: March 11, 2019 **Due Date:** April 24, 2019 **Applicant type:** Media

Description: *All records about the request, proposal, evaluation and approval of a leave of absence for Evan Southern from the Office of the Premier. I seek records from October 2015 (when the leave would have been sought) to July 2017 (when he would have returned to OOP and been severed with the rest of the outgoing government's OIC appointees). (Date Range for Record Search: From 10/01/2015 To 07/31/2017).*

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Consultations:

- None.

Recommendations:

- Neither confirm or deny the existence of a records under s. 8(2)(b)
- Please see the attached draft response letter for the applicant.

Publication Recommendations:

- Note that all **general FOI request records** that are released to an applicant should be published on the Open Information website unless the exemption criteria apply. The exemption criteria can be found on page 3 of [Ministerial Directive 06-2016](#) and on page 11 of the [Open Information and Open Data Policy](#).
- **Effective October 1, 2016** records (or portions of records) unable to be published due to federal copyright legislation will be redacted prior to publication by the Open Information team.
 - IAO recommends: Do Not Publish.
 - The reason for 'Do Not Publish' is: Outside Scope of Publication Policy.

FOI Analyst: Ryan Schumm	Signature: 	Date: March 18, 2019
Team Lead: Natalie Appleton	Signature: 	Date: March 18, 2019
Ministry - Agreement with Recommendations		
Approval Authority Name: Don Wright, DM to the Premier, Cabinet Secretary, and Head of the Public Service	Signature: 	Date: 