



Date: August 29, 2023

Analyst's Name: Brandy Dyer

Instructions for Analysts

The applicant has the burden of proving that the fee should be waived. Based on your analysis of the applicant's submission and the items you check off, please provide a summary of your reasons in 'Analyst's Recommendation' at the end of this form.

This form is designed to be used in conjunction with the *IAO Fee Procedures Manual*.

1. Applicant's Request

a) Applicant's request for records (indicate if request has been narrowed)

All records of requests for reconsideration made to the Provincial Health Officer regarding provincial health orders from March 2020- April 21 2021. (Date Range for Record Search: From 3/20/2020 To 4/21/2021)

b) Fee estimate amount

\$ 150.00

c) Applicant's fee waiver request (or summary of same)

"I would like to proceed with the fee waiver under public interest. This information requested was used to justify the Public Health order "VARIANCE OF EXISTING ORDERS TO SUSPEND RECONSIDERATION - April 21, 2021" see here:
<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-variance-suspend-reconsideration-of-orders.pdf>
The public cannot apply for reconsideration under section 43 of the public health Act and there is no expiration date on that order. The Health Officer can appoint someone to review applications for reconsideration but has failed to do so. This information requested in file 30998, must be disclosed to the public and should be posted publicly on the government website without further delay, as it states in her order in point 1 that these requests have been posted, although there is nothing posted for the public to review, so I am requesting them be posted under public interest."

d) Type of fee waiver requested by applicant (check only those that apply and complete the applicable sections 2 or 3 below)

INABILITY TO PAY PUBLIC INTEREST BOTH

e) Description of requested records, if provided by public body and relevant to the consideration of the fee waiver request (such as: volume, document types, content and/or format)

One program area holds responsive records for this request. The PHO estimated it will take 8 hours to canvass the LAN, OPHO inboxes, Erin Crowley, Jonathan Michael, and Dr. Brian Emerson.

2. **Inability to Pay** (Complete if applicable boxes in Section 1(d) above are checked off, then go to Section 4)

a) Has the applicant provided documentary evidence of the inability to pay (e.g.: bank statement, pay stub or tax return)?

YES NO

If YES, describe evidence provided and whether it is sufficient

3. **Public Interest** (Complete if applicable boxes in Section 1(d) above are checked off, then go to Section 4)

Step 1 - Determining whether the requested records relate to a matter of public interest

A matter may be in the public interest even if none of the factors listed below are present; please note that this is **not** intended to be an exhaustive list.

a) Has the subject of the records been a matter of recent public debate?

YES NO

b) Does the subject matter of the records relate directly to the environment, public health, or safety?

YES NO

c) Could dissemination of the information in the records reasonably be expected to yield a public benefit by:

- (i) Disclosing an environmental concern or a public health or safety concern?
- (ii) Contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue? or
- (iii) Contributing to public understanding of, or debate on, an important new policy, law, program, or service?

YES NO

d) Do the records show how the public body is allocating financial or other resources?

YES NO

e) Other public interest considerations (if any) - please give details

f) Based on the analysis above, do the requested records relate to a matter of public interest?

YES PARTIALLY NO

If PARTIALLY, provide description of which records relate to a matter of public interest.

If YES or PARTIALLY, complete Step 2 of this section below; otherwise, go to Section 4.

Step 2 - Excusing part or the full fee

If some or all of the requested records relate to a matter of public interest, then determine whether the applicant's intended use will serve that public interest.

- a) Is the applicant's primary purpose for requesting records to disseminate information in a way that could reasonably be expected to benefit the public rather than serving a private interest?

YES NO

- b) Is the applicant able to disseminate the information to the public?

YES NO

4. Any other reason it is fair to excuse payment?

- a) Is there any other reason it is fair to excuse payment? Factors to consider include:
- (i) Was the applicant willing to narrow the request for records to reduce the fee?
 - (ii) Do the costs of processing the applicant's FOI request exceed the fee estimate considerably and, if so, is it reasonable to require the public body to bear some or all of those costs?
 - (iii) Have statutory timelines on the FOI file been met to date?
 - (iv) Have previous orders of the OIPC ruled that similar types of records or information should or should not be subject to a fee?

YES NO

If YES, please describe reason here

5. Analyst's Recommendation - Select one of the following decisions:

DENY FEE WAIVER

Summarize rationale

Public Interest:

The applicant is seeking all records of requests for reconsideration made to the PHO regarding provincial health orders from March 20, 2020, to April 21, 2021, and has suggested that that the information was used to justify PHO Order, *Variance of Existing Orders to Suspend Reconsideration - April 21, 2021*. Moreover, this information must be disclosed to the public, "as it states in [the] order in point 1 that these requests have been posted, although there is nothing posted for the public to review." s.13

s.13

GRANT PARTIAL FEE WAIVER

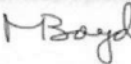
For example:

- (i) Only some of the requested records relate to a matter of public interest.
- (ii) The matter is partially in the public interest. For example, an entire town.
- (iii) Other - please give details.

Summarize rationale and give the amount of fee to be waived

GRANT FULL FEE WAIVER

Summarize rationale

| IAO - Recommendation/Approval | | |
|-------------------------------|--|-------------------------|
| Team Lead: Melissa Boyd | Signature:  | Date: September 1, 2023 |

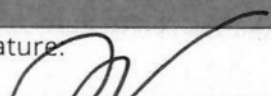
6. **Public Body Approval** - Select one of the following decisions:

DENY FEE WAIVER

GRANT PARTIAL FEE WAIVER

In the amount of: (\$ or %) _____

GRANT FULL FEE WAIVER

| Ministry - Decision | | |
|-----------------------------------|--|--------------------------|
| Approval Authority: Stephen Brown | Signature:  | Date: September 20, 2023 |

HTH-2023-30998

WARNING! Updates to this request have been made in AXIS. Please sync to AXIS before continuing.
Last Updated Aug 24 2023 | 02:40 PM

On Hold

Request

CFR Form (1)

Attachments (3)

Comments (19)

Records

Contact Applicant (1)

Request #HTH-2023-30998

+ Add Comment

User Comments
Request History Comments
Divisional Tracking
All

Dyer, Brandy | 2023 Sep 01 | 04:19 PM

Hi Saif, Shazia The applicant has requested a fee waiver. Please see the File Share Folder for the Waiver Decision package for your public body head's approval. Additionally, please note that under section 75(6), the Ministry is required to respond 20 days from the receipt of the waiver request. The Ministry is therefore required to provide a response by September 27, 2023. If a response is not received by then, the applicant may be compelled to file a complaint to the OIPC.

Saif, Shazia | 2023 Sep 20 | 03:34 PM

Hi Dyer, Brandy Hughes, Merissa Please find attached file for Fee Waiver Decision with DM approval. Thanks

↩ Reply

Request History | 2023 Aug 24 | 04:07 PM

Shazia Saif assigned this request to Saif, Shazia

↩ Reply

Dyer, Brandy | 2023 Aug 24 | 04:05 PM

Note to IAO processing analyst - Fee waiver received and file re-opened/placed on hold. Applicant had previously sent waiver request to wrong email. When MOD is in "on hold" state, cannot sync with AXIS to update LDD. If request is taken off hold will need to sync with AXIS to update LDD in MOD.

↩ Reply

Request History | 2023 Aug 24 | 02:39 PM

Edmond Chung changed the state of the request to On Hold

Saif, Shazia | 2023 Aug 24 | 04:07 PM

Hi Chung, Edmond Could you please advise why the state of this request has been changed to On Hold? Thanks

Chung, Edmond | 2023 Aug 24 | 04:13 PM

Hi Saif, Shazia we had to swap this file back onto hold due to the following:

To IAO processing analyst - Fee waiver received and file re-opened/placed on hold. Applicant had previously sent waiver request to wrong email. When MOD is in "on hold" state, cannot sync with AXIS to update LDD. If request is taken off hold will need to sync with AXIS to update LDD in MOD.

We're hoping to get the sync issues resolved and the clients file has been reopened for fee waiver considerations.

↩ Reply

Request History | 2023 Jun 16 | 11:18 AM

Edmond Chung changed the state of the request to Closed

↩ Reply



Date: August 29, 2023

Analyst's Name: Brandy Dyer

Instructions for Analysts

The applicant has the burden of proving that the fee should be waived. Based on your analysis of the applicant's submission and the items you check off, please provide a summary of your reasons in 'Analyst's Recommendation' at the end of this form.

This form is designed to be used in conjunction with the *IAO Fee Procedures Manual*.

1. Applicant's Request

a) Applicant's request for records (indicate if request has been narrowed)

All records of requests for reconsideration made to the Provincial Health Officer regarding provincial health orders from March 2020- April 21 2021. (Date Range for Record Search: From 3/20/2020 To 4/21/2021)

b) Fee estimate amount

\$ 150.00

c) Applicant's fee waiver request (or summary of same)

"I would like to proceed with the fee waiver under public interest. This information requested was used to justify the Public Health order "VARIANCE OF EXISTING ORDERS TO SUSPEND RECONSIDERATION – April 21, 2021" see here:
<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-variance-suspend-reconsideration-of-orders.pdf>
The public cannot apply for reconsideration under section 43 of the public health Act and there is no expiration date on that order. The Health Officer can appoint someone to review applications for reconsideration but has failed to do so. This information requested in file 30998, must be disclosed to the public and should be posted publicly on the government website without further delay, as it states in her order in point 1 that these requests have been posted, although there is nothing posted for the public to review, so I am requesting them be posted under public interest."

d) Type of fee waiver requested by applicant (check only those that apply and complete the applicable sections 2 or 3 below)

- INABILITY TO PAY PUBLIC INTEREST BOTH

e) Description of requested records, if provided by public body and relevant to the consideration of the fee waiver request (such as: volume, document types, content and/or format)

One program area holds responsive records for this request. The PHO estimated it will take 8 hours to canvass the LAN, OPHO inboxes, Erin Crowley, Jonathan Michael, and Dr. Brian Emerson.

2. Inability to Pay (Complete if applicable boxes in Section 1(d) above are checked off, then go to Section 4)

a) Has the applicant provided documentary evidence of the inability to pay (e.g.: bank statement, pay stub or tax return)?

If YES, describe evidence provided and whether it is sufficient

3. Public Interest (Complete if applicable boxes in Section 1(d) above are checked off, then go to Section 4)

Step 1 - Determining whether the requested records relate to a matter of public interest

A matter may be in the public interest even if none of the factors listed below are present; please note that this is **not** intended to be an exhaustive list.

- a) Has the subject of the records been a matter of recent public debate?

 - b) Does the subject matter of the records relate directly to the environment, public health, or safety?

 - c) Could dissemination of the information in the records reasonably be expected to yield a public benefit by:
 - (i) Disclosing an environmental concern or a public health or safety concern? or
 - (ii) Contributing to the development or public understanding of, or debate on, an important environmental or public health or safety issue? or
 - (iii) Contributing to public understanding of, or debate on, an important new policy, law, program, or service?

 - d) Do the records show how the public body is allocating financial or other resources?

 - e) Other public interest considerations (if any) – please give details
-
- f) Based on the analysis above, do the requested records relate to a matter of public interest?

If PARTIALLY, provide description of which records relate to a matter of public interest.

If YES or PARTIALLY, complete Step 2 of this section below; otherwise, go to Section 4.

Step 2 - Excusing part or the full fee

If some or all of the requested records relate to a matter of public interest, then determine whether the applicant's intended use will serve that public interest.

- a) Is the applicant's primary purpose for requesting records to disseminate information in a way that could reasonably be expected to benefit the public rather than serving a private interest?

- b) Is the applicant able to disseminate the information to the public?

4. Any other reason it is fair to excuse payment?

- a) Is there any other reason it is fair to excuse payment? Factors to consider include:
 - (i) Was the applicant willing to narrow the request for records to reduce the fee?
 - (ii) Do the costs of processing the applicant's FOI request exceed the fee estimate considerably and, if so, is it reasonable to require the public body to bear some or all of those costs?
 - (iii) Have statutory timelines on the FOI file been met to date?
 - (iv) Have previous orders of the OIPC ruled that similar types of records or information should or should not be subject to a fee?

If YES, please describe reason here

5. Analyst's Recommendation - Select one of the following decisions:

Summarize rationale

Public Interest:
The applicant is seeking all records of requests for reconsideration made to the PHO regarding provincial health orders from March 20, 2020, to April 21, 2021, and has suggested that that the information was used to justify PHO Order, *Variance of Existing Orders to Suspend Reconsideration - April 21, 2021*. Moreover, this information must be disclosed to the public, "as it states in [the] order in point 1 that these requests have been posted, although there is nothing posted for the public to review." s.13
s.13

For example:

- (i) Only some of the requested records relate to a matter of public interest.
- (ii) The matter is partially in the public interest. For example, an entire town.
- (iii) Other – please give details.

Summarize rationale and give the amount of fee to be waived

| |
|--|
| |
|--|

Summarize rationale

| |
|--|
| |
|--|

| IAO – Recommendation/Approval | | |
|-------------------------------|--|-------------------------|
| Team Lead: Melissa Boyd | Signature:  | Date: September 1, 2023 |

6. Public Body Approval - Select one of the following decisions:

In the amount of: (\$ or %) _____

| Ministry – Decision | | |
|---------------------|------------|--------------------|
| Approval Authority: | Signature: | Date: Today's Date |

From: IAO Community and Health Team CITZ:EX(Brandy.Dyer@gov.bc.ca)
To: HLTH FOI Operations HLTH:EX (HLTH.FOIOperations@gov.bc.ca)
Subject: RE: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th
Sent: 12/06/2023 17:48:18

Good morning Darlene,

I'm hoping to check in how the status of the response from the program area. Do you anticipate we will be receiving it today?

Thank you,

Brandy Dyer | FOI Specialist | Community Health Team | Information Access Operations | Ministry of Citizens' Services
p: 778 698-9083 | **e:** Brandy.Dyer@gov.bc.ca | **m:** PO Box 9569 Stn Prov Gov Victoria BC V8W 9K1

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Sent: Tuesday, November 28, 2023 12:09 PM
To: IAO Community and Health Team CITZ:EX <FOI.SocialEducationTeam@gov.bc.ca>
Subject: RE: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th

Hi Brandy,

Thank you so much for the extension. I will let the program area know right away.

Thank you!

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: IAO Community and Health Team CITZ:EX <FOI.SocialEducationTeam@gov.bc.ca>
Sent: Monday, November 27, 2023 10:58 AM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th

Hi Darlene,

I was able to get a one-week extension.

If the program area can provide the requested information by December 6, 2023, it would be much appreciated.

Thank you,

Brandy Dyer | FOI Specialist | Community Health Team | Information Access Operations | Ministry of Citizens' Services

p: 778 698-9083 | **e:** Brandy.Dyer@gov.bc.ca | **m:** PO Box 9569 Stn Prov Gov Victoria BC V8W 9K1

From: IAO Community and Health Team CITZ:EX

Sent: Monday, November 27, 2023 10:00 AM

To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Subject: RE: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th

Hi Darlene,

Confirming receipt and that I'm following up with the OIPC. I'll send a further update as soon as I receive their response.

Kind regards,

Brandy Dyer | FOI Specialist | Community Health Team | Information Access Operations | Ministry of Citizens' Services

p: 778 698-9083 | **e:** Brandy.Dyer@gov.bc.ca | **m:** PO Box 9569 Stn Prov Gov Victoria BC V8W 9K1

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Sent: Monday, November 27, 2023 7:46 AM

To: IAO Community and Health Team CITZ:EX <FOI.SocialEducationTeam@gov.bc.ca>

Cc: HLTH FCS FOI General HLTH:EX <HLTH.FCSFOI@gov.bc.ca>

Subject: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th

Importance: High

Hi Brandy,

Is it possible to get a one-week extension for staff that could answer these questions returns to work?

Please advise.

Thank you so much.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |

Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:

HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Hlth PHO FOI HLTH:EX <HLTH.PHO.FOI@gov.bc.ca>

Sent: Friday, November 24, 2023 5:14 PM

To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Subject: RE: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th

Hello Darlene,

Would it be possible to get a one-week extension on this to when Jonathan has returned?

Thank you,
Laurel

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Sent: Thursday, November 16, 2023 5:40 PM
To: Hlth PHO FOI HLTH:EX <HLTH.PHO.FOI@gov.bc.ca>
Cc: Thompson, Laurel HLTH:EX <Laurel.Thompson@gov.bc.ca>; HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: OIPC File F23-93385 FOI File HTH-2021-13964-C-2 - Response to OIPC Qs - due Nov 29th
Importance: High

Hi Jonathan,

s.3

Thank you so much.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: IAO Community and Health Team CITZ:EX <FOI.SocialEducationTeam@gov.bc.ca>
Sent: Wednesday, November 15, 2023 3:08 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: OIPC File F23-93385 FOI File HTH-2021-13964-C-2

Good afternoon,

s.3

Thank you,

Brandy Dyer | FOI Specialist | Information Access Operations | Ministry of Citizens' Services
p: 778 698-9083 | *e:* Brandy.Dyer@gov.bc.ca | *m:* PO Box 9569 Stn Prov Gov Victoria BC V8W 9K1

Email Details

| | |
|-------------------|--|
| From: | FOI.SocialEducationTeam@gov.bc.ca |
| To: | HLTH.FOIOperations@gov.bc.ca |
| Cc: | |
| Bcc: | |
| Subject: | OIPC File FOI file HTH-2023-30998 |
| Date Sent: | 12/7/2023 8:48:21 AM |
| Body: | <p>Dear Ministry of Health:</p> <p>Regarding</p> <p><i>All records of requests for reconsideration made to the Provincial Health Officer regarding provincial health orders from March 2020- April 21 2021. (Date Range for Record Search: From 3/20/2020 To 4/21/2021)</i></p> <p>This OIPC review has been completed and has been closed.</p> <p>Review by the OIPC has been in favor for the ministry with respect to the denial of a fee waiver under section 75(5)(b) of FIPPA.</p> <p>Sincerely,</p> <p>Edmond Chung, FOI Analyst Information Access Operations Ministry of Citizens' Services</p> |

Email Details

| | |
|-------------------|---|
| From: | FOI.SocialEducationTeam@gov.bc.ca |
| To: | HLTH.FOIOperations@gov.bc.ca |
| Cc: | |
| Bcc: | |
| Subject: | OIPC File F23-94414 FOI File HTH-2023-30998-C |
| Date Sent: | 10/6/2023 2:55:45 PM |
| Body: | <p>Hi Ministry of Health,</p> <ul style="list-style-type: none">• The applicant has complained about the adequacy of search/fee/extension <p>for HTH-2023-30998-C:</p> <p><i>All records of requests for reconsideration made to the Provincial Health Officer regarding provincial health orders from March 2020- April 21 2021. (Date Range for Record Search: From 3/20/2020 To 4/21/2021).</i></p> <p>IAO has opened a review/complaint file and will let you know when there are further instructions.</p> <p>Thank you,</p> <p>Edmond Chung, FOI Analyst Information Access Operations Ministry of Citizens' Services</p> |

From: Chung, Edmond C.H. CITZ:EX(Edmond.Chung@gov.bc.ca)
To: HLTH FOI Operations HLTH:EX (HLTH.FOIOperations@gov.bc.ca)
Subject: OIPC fee complaint file F23-94414 [HTH-2023-30998] - reopened
Sent: 12/07/2023 18:12:06

Hi there,

Sorry for the inconvenience, it seems like the file needs to be reopened as the applicant is looking to clarifying their request.

s.3

s.13

-Edmond

Edmond Chung | FOI Analyst | Community & Health Team
Information Access Operations | Ministry of Citizens' Services

From: HLTH FOI Operations HLTH:EX(HLTH.FOIOperations@gov.bc.ca)
To: Chung, Edmond C.H. CITZ:EX (Edmond.Chung@gov.bc.ca)
To: HLTH FOI Operations HLTH:EX (HLTH.FOIOperations@gov.bc.ca)
Subject: Response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C
Sent: 11/07/2023 00:48:05
Attachments: PHO Response: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C.msg

Hi Edmond,

Please see PHO's response attached and sent to us on Friday Nov 3rd.

Please let me know if there is anything else you need.

Thank you.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Sent: Monday, November 6, 2023 3:52 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi there,
Just trying to follow up with this OIPC request for response. Has there been any additional information?

-Edmond

From: Chung, Edmond C.H. CITZ:EX
Sent: Friday, October 27, 2023 9:38 AM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Darlene,

I've spoken to the OIPC briefly regarding this request and they are now expecting a response by the end of next week. Hopefully this is enough time to have this issue reviewed.

-Edmond

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Sent: Thursday, October 26, 2023 6:25 PM
To: IAO Community and Health Team CITZ:EX <FOI.SocialEducationTeam@gov.bc.ca>
Cc: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>; HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C
Importance: High

Hi Edmond,

I just saw your email below when I sent my earlier email asking about an extension. Sending your email below to PHO to review and provide a response. As with my previous email Dr. Emerson is away until October 30th and will need to a bit of time to review before responding. So still hoping we can get an extension.

Thank you.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Sent: Wednesday, October 25, 2023 3:34 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Darlene,

I'm sending an update on the OIPC situation and would ask for further clarification and approval for this matter as time to respond is ticking down.

s.3

Posted below was the original denial reasoning that IAO and the Ministry decided internally:

Public Interest:

The applicant is seeking all records of requests for reconsideration made to the PHO regarding provincial health orders from March 20, 2020, to April 21, 2021, and has suggested that that the information was used to justify PHO Order, Variance of Existing Orders to Suspend Reconsideration – April 21, 2021. Moreover, this information must be disclosed to the public, “as it states in [the] order in point 1 that these requests have been posted, although there is nothing posted for the public to review.” s.13

s.13

s.13 If so, we can proceed to provide the OIPC with the same aforementioned information above for why the waiver was denied

From: Chung, Edmond C.H. CITZ:EX
Sent: Monday, October 23, 2023 2:07 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi there,

The OIPC is requesting a follow up with the response from the ministry regarding their questions/concerns.

-Edmond

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Sent: Friday, October 13, 2023 10:39 AM
To: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Cc: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C
Importance: High


Hi Edmond,

I had given the PA until October 16th as the OIPC wanted an answer before October 17th.

I will follow up with them now to ask for a status report if you like.

Thank you.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Sent: Friday, October 13, 2023 8:30 AM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Ministry of Health,

Just looking to ask and follow up regarding this request from the OIPC.

-Edmond

From: Chung, Edmond C.H. CITZ:EX

Sent: Friday, October 6, 2023 3:00 PM

To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi there,

s.3

A response before October 17th, 2023 would be greatly appreciated,
Edmond

Edmond Chung | FOI Analyst | Community & Health Team
Information Access Operations | Ministry of Citizens' Services

From: Hlth PHO FOI HLTH:EX(HLTH.PHO.FOI@gov.bc.ca)
To: HLTH FOI Operations HLTH:EX (HLTH.FOIOperations@gov.bc.ca); Shust, Susan D
HLTH:EX (Susan.Shust@gov.bc.ca)
Subject: PHO Response: Request for response from ministry - OIPC File F23-94414 FOI File HTH-
2023-30998-C
Sent: 11/03/2023 17:13:11

Hi Darlene,

I had spoken to Dr. Henry regarding this request this fee waiver request and our office agrees with the denial.

Please see our office's response below.

Regards,

Jonathan Michael | FOI Analyst Lead
Office of the Provincial Health Officer | Ministry of Health
PO Box 9648, Stn Prov Gov, Victoria BC V8W 9P4
T: 778-405-3087 | jonathan.michael@gov.bc.ca

From: Henry, Bonnie HLTH:EX <Bonnie.Henry@gov.bc.ca>
Sent: Friday, November 3, 2023 10:09 AM
To: Hlth PHO FOI HLTH:EX <HLTH.PHO.FOI@gov.bc.ca>
Cc: Thompson, Laurel HLTH:EX <Laurel.Thompson@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

I agree with denying the fee waiver but also need to point out in response to the blue highlighted section that we did indeed hire a physician fulltime to whom I delegated authority to review these medical files as well as assign staff to this almost exclusively and it was not just on me. Finally, we need to make it very clear that these records are part of a medical chart and are personal health information of individuals collected under the Public Health Act and no part of those medical charts are releasable under FOI. We can provide aggregate numbers but no details of any of the medical information in any of the files.

My best,

Bonnie

Dr Bonnie Henry

Provincial Health Officer

Office of the PHO

Ministry of Health

Mailing address:

PO Box 9648, STN PROV GOVT

Victoria, BC

V8W 9P4

I gratefully acknowledge that I live and work on the traditional unceded territory of the Lekwungen Peoples, specifically the Songhees and Esquimalt First Nations. Hay'sxw'qu Si'em

Warning: This email is intended only for the use of the individual or organization to whom it is addressed. It may contain information that is privileged or confidential. Any distribution, disclosure, copying, or other use by anyone else is strictly prohibited. If you have received this in error, please telephone or e-mail the sender immediately and delete the message.

From: Hlth PHO FOI HLTH:EX <HLTH.PHO.FOI@gov.bc.ca>
Sent: Thursday, November 2, 2023 3:56 PM
To: Henry, Bonnie HLTH:EX <Bonnie.Henry@gov.bc.ca>

Cc: Thompson, Laurel HLTH:EX <Laurel.Thompson@gov.bc.ca>

Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Dr. Henry,

We have another query on a request that I need some guidance and a response on. This one was sitting with Dr. Emerson; however, FOI Ops are wanting a response this week.

For context:

- **The request we received was:**
 - All records of requests for reconsideration made to the Provincial Health Officer regarding provincial health orders from March 2020 - April 21, 2021. (Date Range for Record Search: From 3/20/2020 To 4/21/2021) Date Format is MM/DD/YYYY
- Back in May 2023, we had submitted a fee estimate, as the search is broad and had produced a large number of records to review. The Applicant didn't want to pay the fee and had submitted a fee waiver, advising the information is in public interest. The fee waiver was denied and signed off by the Deputy Minister's office, with the reasoning highlighted below.
- The applicant has responded with the following :
 - *My argument is this is public interest because, PHO relied upon the high volume of requests to make this suspension/variance of section 43 of the health act. Therefore it is in the interest of the public to review these request to ensure transparency, there is no expiry date on this order which gives the health officer extraordinary power. One thing the health officer may do is delegate under section 43 here: (8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made. The PHO has not designated another health officer to review these application for reconsideration and could suspend this section of the health act indefinitely. This is unreasonable, as the situation has evolved and there may be critical information that was not available at the time. These request for reconsideration directly relate to the order to suspend section 43 of the health act, that may place undue unknown hardships on British Columbians who would like to apply for reconsideration, and who have applied and are not being reviewed by anyone.*

s.13

Regards,

Jonathan Michael | FOI Analyst Lead
Office of the Provincial Health Officer | Ministry of Health
PO Box 9648, Stn Prov Gov, Victoria BC V8W 9P4
T: 778-405-3087 | jonathan.michael@gov.bc.ca

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Sent: Thursday, October 26, 2023 6:53 PM

To: Hlth PHO FOI HLTH:EX <HLTH.PHO.FOI@gov.bc.ca>

Cc: Thompson, Laurel HLTH:EX <Laurel.Thompson@gov.bc.ca>; HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Jonathon,

Please see the update from the OIPC for PHO's review/response in their email below.

Please advise how much time you will need in order for Dr. Emerson to review both emails and provide response (emails of Oct 23rd and 26th).

I'm hoping we can get an extension, no guarantees though.

Thank you so much.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Sent: Wednesday, October 25, 2023 3:34 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Darlene,

I'm sending an update on the OIPC situation and would ask for further clarification and approval for this matter as time to respond is ticking down.

s.3

Posted below was the original denial reasoning that IAO and the Ministry decided internally:

Public Interest:

The applicant is seeking all records of requests for reconsideration made to the PHO regarding provincial health orders from March 20, 2020, to April 21, 2021, and has suggested that that the information was used to justify PHO Order, Variance of Existing Orders to Suspend Reconsideration – April 21, 2021. Moreover, this information must be disclosed to the public, “as it states in [the] order in point 1 that these requests have been posted, although there is nothing posted for the public to review.” s.13

s.13

s.13

s.13 If so, we can proceed to provide the OIPC with the same aforementioned information above for why the waiver was denied

From: Chung, Edmond C.H. CITZ:EX
Sent: Monday, October 23, 2023 2:07 PM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi there,

The OIPC is requesting a follow up with the response from the ministry regarding their questions/concerns.

-Edmond

From: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Sent: Friday, October 13, 2023 10:39 AM
To: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Cc: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C
Importance: High

Hi Edmond,

I had given the PA until October 16th as the OIPC wanted an answer before October 17th.

I will follow up with them now to ask for a status report if you like.

Thank you.

Darlene Grieve | FOI Analyst | FOI, Litigation, Records and Reporting |
Corporate Issues and Client Relations Branch | Ministry of Health | 250.952-1509 | email:
HLTH.FOIOperations@gov.bc.ca

 Please consider the environment before printing this email

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender immediately. Any unauthorized copying, disclosure or distribution of the e-mail or the information it contains is strictly forbidden.

From: Chung, Edmond C.H. CITZ:EX <Edmond.Chung@gov.bc.ca>
Sent: Friday, October 13, 2023 8:30 AM
To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>
Subject: RE: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi Ministry of Health,

Just looking to ask and follow up regarding this request from the OIPC.

-Edmond

From: Chung, Edmond C.H. CITZ:EX

Sent: Friday, October 6, 2023 3:00 PM

To: HLTH FOI Operations HLTH:EX <HLTH.FOIOperations@gov.bc.ca>

Subject: Request for response from ministry - OIPC File F23-94414 FOI File HTH-2023-30998-C

Hi there,

s.3

s.13

A response before October 17th, 2023 would be greatly appreciated,
Edmond

Edmond Chung | FOI Analyst | Community & Health Team
Information Access Operations | Ministry of Citizens' Services