File: 292- 30/[REQUESTNUMBER]

Your File: [CUSTOMFIELD60]

[TODAYDATE]

Sent via email: [RQREMAIL]

[RFNAME] [RLNAME]

[COMPANY]

[STREET1]

[STREET2]

[CITY] [STATE/PROVINCESHORT] [ZIP/POSTALCODE]

Dear [RFNAME] [RLNAME]:

**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 BC Coroners Service (BCCS). Your request is for:

*[REQUESTDESCRIPTION]*

Section 3 of FOIPPA states that, in limited circumstances, the application of FOIPPA can be overridden by other legislation. Access to the records you have requested is denied pursuant to section 64 (1) of the *Coroners Act*, as the Office of the Chief Coroner has advised that the above noted case(s) has not been concluded. A copy of this section of FOIPPA is provided for your reference. Complete copies of FOIPPA and the *Coroners Act* are available online at:

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

<http://www.bclaws.ca/civix/document/id/complete/statreg/07015_01>

The BCCS advises that as Coroners Reports are public documents, you may send an email to [CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca) to request copies of the publicly available documents once the investigation is complete or by writing to:

Office of the Chief Coroner

Metro Tower II, 800 4720 Kingsway

Burnaby BC V5H 4N2

Your file is now closed.

If you have any questions regarding your request, please contact [PRIMARYUSERNAME], the analyst assigned to your request, at [PRIMARYUSERPHONE]. 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,

[PRIMARYUSERNAME], [PRIMARYUSERTITLE]

Information Access Operations

Enclosures

**Application**

3 (1)Subject to subsections (3) to (5), this Act applies to all records in the custody or underthe 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.

How to Request a Review with the

Office of the Information and Privacy Commissioner

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.