File: 292-40/[REQUESTNUMBER]

[TODAYDATE]

Sent via email: [RQREMAIL]

[RFNAME] [RLNAME]

[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)

The Ministry of Children and Family Developmentreceived your request for access to personal information on [RECEIVEDDATE]. We understand your request to be for records related to allegations or reports you believe were submitted to the Ministry of Children and Family Development by a named individual or agency.

**Please be advised that section 77(1) of the *Child, Family and Community Service Act* (CFCSA)provides that a director must refuse to disclose informationif the disclosure could reasonably be expected to reveal the identity of a person who has made a report under section 14 of the CFCSAand who has not consented to the disclosure.**

Where a section 14 report has been made, the CFCSA requires us to remove all identifying information regarding a reporter in a child protection complaint**. However, we are unable to provide any records response at all if the request names a person or agency suspected of making a report.** Any response providing records to a request where the requestor specifically identifies a person or agency suspected of making a report may:

* Confirm that a report has been made, and therefore allow the requestor to positively identify the reporter as the named individual or agency; or,
* Lead to a mistaken assumption regarding the identity of the reporter, if the reporter is not in fact the named individual or agency.

Further, per section 8(2) of FOIPPA, we can additionally neither confirm nor deny the existence of any allegations, complaints or reports in this case.

**For the reasons set out above, we are unable to provide any records at all, in response to your request.** We have therefore closed this request file.

You submitted your request outside of our online process. For future reference, you can submit both personal and general requests at: <https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information/forms-for-foi>. Using the online process is a fast, easy and secure way to submit your Freedom of Information (FOI) request. It also ensures that we receive the information required to open your request. The webpage also includes frequently asked questions, additional information regarding the FOI process, and links to previously completed FOI requests and proactively released government records.

Should you have any questions, please contact me at the mailing address on the bottom of the first page, or by telephone at [PRIMARYUSERPHONE]. This number can also be reached toll-free at 1 833 283-8200. Out-of-province callers will need to dial long distance. 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

Enclosure

# 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.

***Child, Family and Community Service Ac******t***

**14 Duty to report need for protection**

(1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.

(2) Subsection (1) applies even if the information on which the belief is based

(a) is privileged, except as a result of a solicitor-client relationship, or

(b) is confidential and its disclosure is prohibited under another Act.

(3) A person who contravenes subsection (1) commits an offence.

(4) A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.

(5) No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.

(6) A person who commits an offence under this section is liable to a fine of up to $10 000 or to imprisonment for up to 6 months, or to both.

(7) The limitation period governing the commencement of a proceeding under the [*Offence Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96338_01) does not apply to a proceeding relating to an offence under this section.

**77 Exceptions to access rights**

(1) A director must refuse to disclose information in a record to a person who has a right of access to the record under the [*Freedom of Information and Protection of Privacy Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00) if the disclosure could reasonably be expected to reveal the identity of a person who has made a report under section 14 of this Act and who has not consented to the disclosure.

(2) A director may refuse to disclose information in a record to a person who has a right of access to the record under the [*Freedom of Information and Protection of Privacy Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00) if

(a) the disclosure could reasonably be expected to jeopardize an investigation under section 16 or a criminal investigation that is underway or contemplated, or

(b) the information was supplied in confidence, during an assessment under section 16 (2) (b.1) or an investigation under section 16 (2) (c), by a person who was not acting on behalf of or under the direction of a director.

***Freedom of Information and Protection of Privacy Act***

**3 Application**

(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 was created by or for the auditor general under the [*Auditor General for Local Government Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/12005_01) 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*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96052_01) and the [*University Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96468_01), 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 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.

(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.

**8 Contents of response**

(1) In a response under section 7, the head of the public body must tell the applicant

(a) whether or not the applicant is entitled to access to the record or to part of the record,

(b) if the applicant is entitled to access, where, when and how access will be given, and

(c) if access to the record or to part of the record is refused,

(i) the reasons for the refusal and the provision of this Act on which the refusal is based,

(ii) the contact information of an officer or employee of the public body who can answer the applicant's questions about the refusal, and

(iii) that the applicant may ask for a review under section 53 or 63.

(2) Despite subsection (1) (c) (i), the head of a public body may refuse in a response to confirm or deny the existence of

(a) a record containing information described in section 15 *[information harmful to law enforcement]*, or

(b) a record containing personal information of a third party if disclosure of the existence of the information would be an unreasonable invasion of that party's personal privacy.