File: 292-40**/**[REQUESTNUMBER]

[TODAYDATE]

[RFNAME] [RLNAME]

c/o Institution Name

Address

Address

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 Ministry of Children and Family Development. Your request is for: *[REQUESTDESCRIPTION].*

**Option 1: Full Disclosure**

Please find enclosed a copy of the records as provided by the Ministry of Children and Family Development in response to your request. These records are provided to you in their entirety.

**Option 2: Partial Disclosure**

Please find enclosed a copy of the records as provided by the Ministry of Children and Family Development in response to your request. Some information has been withheld pursuant to section(s) Choose, Choose, Choose and Choose of FOIPPA and section(s) Choose and Choose of the *Child, Family and Community Services Act* (CFCSA). Pages on which information has been withheld are stamped at the bottom of that page with the corresponding section stamp. I have attached a copy of the appropriate sections of all relevant Acts for your reference.

**If information has been *removed* (not withheld or severed) under section 3, paste the relevant section from** [**Blurbs to add to AXIS Letters**](onenote://K:/General/FOI%20Templates%20and%20Forms/AXIS%20Support/AXIS%20Support/Stages%20of%20an%20FOI%20Request.one#Blurbs%20to%20add%20to%20AXIS%20Letters&section-id={E175FC8D-949C-414C-803E-B23A0B85216A}&page-id={731C9662-BEF9-41ED-93E8-11101A739DE5}&end) **into the above paragraph.**

Please be advised that some of the records reviewed contain Youth Criminal Justice or Youth Forensic information. This information falls under the *Youth Criminal Justice Act*. As such, Information Access Operations has no authority to release these records under FOIPPA or CFCSA. If you wish to have access to this information which has been withheld under section 3(7), please contact:

Manager, Document Disclosure and Management

Ministry of Children and Family Development

PO Box 9714 STN PROV GOVT

Victoria BC V8W 9S1

Telephone: 778 698-3400 Fax: 250 953-4815

Please note that Youth Criminal Justice or Youth Forensic information is not subject to a request for review by the Office of the Information and Privacy Commissioner of British Columbia.

Responsive records have been copied. We have attempted to provide you with the best readable copy, although you may find that some pages are in poor condition. Your file is now closed.

If you have any questions regarding your request, please contact me 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, [REQUESTNUMBER], 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

# 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.

***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.

**13 Policy advice or recommendations**

(1) The head of a public body may refuse to disclose to an applicant information that would reveal advice or recommendations developed by or for a public body or a minister.

(2) The head of a public body must not refuse to disclose under subsection (1)

(a) any factual material,

(b) a public opinion poll,

(c) a statistical survey,

(d) an appraisal,

(e) an economic forecast,

(f) an environmental impact statement or similar information,

(g) a final report or final audit on the performance or efficiency of a public body or on any of its policies or its programs or activities,

(h) a consumer test report or a report of a test carried out on a product to test equipment of the public body,

(i) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body,

(j) a report on the results of field research undertaken before a policy proposal is formulated,

(k) a report of a task force, committee, council or similar body that has been established to consider any matter and make reports or recommendations to a public body,

(l) a plan or proposal to establish a new program or activity or to change a program or activity, if the plan or proposal has been approved or rejected by the head of the public body,

(m) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy, or

(n) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3) Subsection (1) does not apply to information in a record that has been in existence for 10 or more years.

**14 Legal advice**

The head of a public body may refuse to disclose to an applicant information that is subject to solicitor client privilege.

**15 Disclosure harmful to law enforcement**

(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm a law enforcement matter,

(b) prejudice the defence of Canada or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppression of espionage, sabotage or terrorism,

(c) harm the effectiveness of investigative techniques and procedures currently used, or likely to be used, in law enforcement,

(d) reveal the identity of a confidential source of law enforcement information,

(e) reveal criminal intelligence that has a reasonable connection with the detection, prevention or suppression of organized criminal activities or of serious and repetitive criminal activities,

(f) endanger the life or physical safety of a law enforcement officer or any other person,

(g) reveal any information relating to or used in the exercise of prosecutorial discretion,

(h) deprive a person of the right to a fair trial or impartial adjudication,

(i) reveal a record that has been confiscated from a person by a peace officer in accordance with an enactment,

(j) facilitate the escape from custody of a person who is under lawful detention,

(k) facilitate the commission of an offence under an enactment of British Columbia or Canada, or

(l) harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

(2) The head of a public body may refuse to disclose information to an applicant if the information

(a) is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,

(b) is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or

(c) is about the history, supervision or release of a person who is in custody or under supervision and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

(3) The head of a public body must not refuse to disclose under this section

(a) a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an Act,

(b) a report, including statistical analysis, on the degree of success achieved in a law enforcement program or activity unless disclosure of the report could reasonably be expected to interfere with or harm any of the matters referred to in subsection (1) or (2), or

(c) statistical information on decisions under the [*Crown Counsel Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96087_01) to approve or not to approve prosecutions.

(4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute

(a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or

(b) to any other member of the public, if the fact of the investigation was made public.

**16 Disclosure harmful to intergovernmental relations or negotiations**

(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm the conduct by the government of British Columbia of relations between that government and any of the following or their agencies:

(i) the government of Canada or a province of Canada;

(ii) the council of a municipality or the board of a regional district;

(iii) an Indigenous governing entity;

(iv) the government of a foreign state;

(v) an international organization of states,

(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies, or

(c) harm the conduct of negotiations relating to Indigenous self-government or treaties.

(2) Moreover, the head of a public body must not disclose information referred to in subsection (1) without the consent of

(a) the Attorney General, for law enforcement information, or

(b) the Executive Council, for any other type of information.

(3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 or more years unless the information is

(a) law enforcement information, or

(b) information referred to in subsection (1) (a) (iii) or (c).

**17 Disclosure harmful to the financial or economic interests of a public body**

(1) The head of a public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the government of British Columbia or the ability of that government to manage the economy, including the following information:

(a) trade secrets of a public body or the government of British Columbia;

(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of British Columbia and that has, or is reasonably likely to have, monetary value;

(c) plans that relate to the management of personnel of or the administration of a public body and that have not yet been implemented or made public;

(d) information the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in undue financial loss or gain to a third party;

(e) information about negotiations carried on by or for a public body or the government of British Columbia;

(f) information the disclosure of which could reasonably be expected to harm the negotiating position of a public body or the government of British Columbia.

(2) The head of a public body may refuse to disclose under subsection (1) research information if the disclosure could reasonably be expected to deprive the researcher of priority of publication.

(3) The head of a public body must not refuse to disclose under subsection (1) the results of product or environmental testing carried out by or for that public body, unless the testing was done

(a) for a fee as a service to a person, a group of persons or an organization other than the public body, or

(b) for the purpose of developing methods of testing.

**18.1 Disclosure harmful to interests of an Indigenous people**

(1) The head of a public body must refuse to disclose information if the disclosure could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop any of the following with respect to the Indigenous people:

(a) cultural heritage;

(b) traditional knowledge;

(c) traditional cultural expressions;

(d) manifestations of sciences, technologies or cultures.

(2) Subsection (1) does not apply if the Indigenous people has consented in writing to the disclosure.

**19 Disclosure harmful to individual or public safety**

(1) The head of a public body may refuse to disclose to an applicant information, including personal information about the applicant, if the disclosure could reasonably be expected to

(a) threaten anyone else's safety or mental or physical health, or

(b) interfere with public safety.

(2) The head of a public body may refuse to disclose to an applicant personal information about the applicant if the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's safety or mental or physical health.

**22 Disclosure harmful to personal privacy**

(1) The head of a public body must refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining under subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body must consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the government of British Columbia or a public body to public scrutiny,

(b) the disclosure is likely to promote public health and safety or to promote the protection of the environment,

(c) the personal information is relevant to a fair determination of the applicant's rights,

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of Indigenous peoples,

(e) the third party will be exposed unfairly to financial or other harm,

(f) the personal information has been supplied in confidence,

(g) the personal information is likely to be inaccurate or unreliable,

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant, and

(i) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation,

(b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation,

(c) the personal information relates to eligibility for income assistance or social service benefits or to the determination of benefit levels,

(d) the personal information relates to employment, occupational or educational history,

(e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax,

(f) the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness,

(g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations about the third party,

(h) the disclosure would reveal

(i) the identity of a third party who supplied, in confidence, a personal recommendation or evaluation, character reference or personnel evaluation, or

(ii) the content of a personal recommendation or evaluation, character reference or personnel evaluation supplied, in confidence, by a third party, if the applicant could reasonably be expected to know the identity of the third party,

(i) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations, or

(j) the personal information consists of the third party's name, address, or telephone number and is to be used for mailing lists or solicitations by telephone or other means.

(4) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if

(a) the third party has, in writing, consented to or requested the disclosure,

(b) there are compelling circumstances affecting anyone's health or safety and notice of disclosure is mailed to the last known address of the third party,

(c) an enactment of British Columbia or Canada authorizes the disclosure,

(d) the disclosure is for a research or statistical purpose and is in accordance with section 33 (3) (h),

(e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff,

(f) the disclosure reveals financial and other details of a contract to supply goods or services to a public body,

(g) public access to the information is provided under the [*Financial Information Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96140_01),

(h) the information is about expenses incurred by the third party while travelling at the expense of a public body,

(i) the disclosure, in respect of

(i) a licence, a permit or any other similar discretionary benefit, or

(ii) a degree, a diploma or a certificate,

reveals any of the following with respect to the applicable item in subparagraph (i) or (ii):

(iii) the name of the third party to whom the item applies;

(iv) what the item grants or confers on the third party or authorizes the third party to do;

(v) the status of the item;

(vi) the date the item was conferred or granted;

(vii) the period of time the item is valid;

(viii) the date the item expires, or

(j) the disclosure, in respect of a discretionary benefit of a financial nature granted to a third party by a public body, not including personal information referred to in subsection (3) (c), reveals any of the following with respect to the benefit:

(i) the name of the third party to whom the benefit applies;

(ii) what the benefit grants to the third party;

(iii) the date the benefit was granted;

(iv) the period of time the benefit is valid;

(v) the date the benefit ceases.

(5) On refusing, under this section, to disclose personal information supplied in confidence about an applicant, the head of the public body must give the applicant a summary of the information unless

(a) the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information, or

(b) with respect to subsection (3) (h), either paragraph (a) of this subsection applies or the applicant could reasonably be expected to know the identity of the third party who supplied the personal recommendation or evaluation, character reference or personnel evaluation.

(6) The head of the public body may allow the third party to prepare the summary of personal information under subsection (5).

**52 Right to ask for a review**

(1) A person who makes a request to the head of a public body, other than the commissioner or the registrar under the [*Lobbyists Transparency Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/01042_01), for access to a record or for correction of personal information may ask the commissioner to review any decision, act or failure to act, other than to require an application fee, of the head that relates to that request, including any matter that could be the subject of a complaint under section 42 (2).

(2) A third party notified under section 24 of a decision to give access may ask the commissioner to review any decision made about the request by the head of a public body, other than the commissioner or the registrar under the [*Lobbyists Transparency Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/01042_01).

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

**24 Confidentiality of information**

(1) A person must not disclose, or be compelled to disclose, information obtained in a family conference, mediation or other alternative dispute resolution mechanism, except

(a) with the consent of everyone who participated in the family conference or mediation,

(b) to the extent necessary to make or implement an agreement about the child,

(c) if the information is disclosed in an agreement filed under section 23, or

(d) if the disclosure is necessary for a child's safety or for the safety of a person other than a child, or is required under section 14.

(2) This section applies despite sections 79 and 79.1 of this Act and despite any provision, other than section 44 (1) (b), (2), (2.1) and (3), of the [*Freedom of Information and Protection of Privacy Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00).

(2.1) For the purposes of this section, a person does not disclose information merely by participating in a family conference, mediation or other alternative dispute resolution mechanism by means of electronic communication, including by telephone or video.

(3) Subsection (2) does not apply to personal information, as defined in the [*Freedom of Information and Protection of Privacy Act*](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00), that has been in existence for at least 100 years or to other information that has been in existence for at least 50 years.

**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.

Request File #: [REQUESTNUMBER]

## **DO NOT OPEN**

## **TO BE PICKED UP BY ADDRESSEE:**

[RFNAME] [RLNAME]

– Correctional Service # or DOB

c/o [STREET1]

[STREET2]

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