



ARCS: 292-30  
File: HTH-2011-00034

December 6, 2011

**Via E-mail:** [vgogolek@hotmail.com](mailto:vgogolek@hotmail.com)

Vincent Gogolek, Executive Director  
BC Freedom of Information and Privacy Association  
103-1093 W. Broadway  
West Vancouver BC V6H 1E2

Dear Vincent Gogolek:

**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 Health. Your request is for:

**Excluding news media clippings or press releases, All records related to or referring to the data sharing and privacy aspects of the new Care Card announced May 19, 2011, including, copies of all correspondence, briefing notes, background papers, Privacy Impact Assessments, agendas and minutes for any phone calls or meetings related to this new Care Card, related to data sharing and privacy; Particularly copies of planning or briefing document(s) with detail sufficient to show/explain the specific information that is contemplated for inclusion on the new Care Cards and/or Smart Drivers Licenses and an explanation or flow chart explaining the contemplated linkages to other citizen personal information banks and their uses and impact on the public; those that are proposed within the context of the current discussion, and those alluded to by Minister De Jong as the "broader suite of services...an obvious next step" in his interview with CBC Radio on this subject on Friday May 20.**

Please be advised the records you requested are withheld in their entirety pursuant to section(s) 12 (Cabinet and local public body confidences), 13 (Policy advice or recommendations) and 17 (Disclosure harmful to the financial or economic interests of a public body) of FOIPPA. Copies of these sections of FOIPPA are provided for your reference. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](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 Julie Davidson, the analyst assigned to your request, at 250-387-9863. This number can be reached toll-free by calling from Vancouver, 604-660-7867, or from elsewhere in BC, 1-800-663-7867 and asking to be transferred to 250-387-9863.

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,

A handwritten signature in black ink that reads "Maxine Vanzetta". The signature is written in a cursive, flowing style.

Maxine Vanzetta, Manager  
Health / Education Team  
Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
--

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

[RSBC 1996] Chapter 165

## Cabinet and local public body confidences

12. (1) The head of a public body must refuse to disclose to an applicant information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees.
- (2) Subsection (1) does not apply to
  - (a) information in a record that has been in existence for 15 or more years,
  - (b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act, or
  - (c) information in a record the purpose of which is to present background explanations or analysis to the Executive Council or any of its committees for its consideration in making a decision if
    - (i) the decision has been made public,
    - (ii) the decision has been implemented, or
    - (iii) 5 or more years have passed since the decision was made or considered.
- (3) The head of a local public body may refuse to disclose to an applicant information that would reveal
  - (a) a draft of a resolution, bylaw or other legal instrument by which the local public body acts or a draft of a private Bill, or
  - (b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.
- (4) Subsection (3) does not apply if
  - (a) the draft of the resolution, bylaw or other legal instrument or private Bill or the subject matter of the deliberations has been considered in a meeting open to the public, or
  - (b) the information referred to in that subsection is in a record that has been in existence for 15 or more years.

# Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

## Policy advice, recommendations or draft regulations

- 13 (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 programs or policies,
  - (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 to change a program, 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.

## Freedom of Information and Protection of Privacy Act

[RSBC 1996] Chapter 165

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

17 (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.