

In the Supreme Court of British Columbia

**In the Matter of the decision of the Office of Information and Privacy
Commissioner dated June 1, 2023, in OIPC File No. F20-82707, and in the matter
of the *Judicial Review Procedure Act*, RSBC 1996, c 241.**

Between

Minister of Public Safety and Solicitor General

Petitioner

and

**Information and Privacy Commissioner for British Columbia and
British Columbia Civil Liberties Association**

Respondents

**RESPONDENT'S WRITTEN SUBMISSIONS
BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION)**

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PART 1: BACKGROUND

The Parties

1. The petitioner, the Minister of Public Safety and Solicitor General, is the Minister responsible for the Ministry of Public Safety and Solicitor General (the “Ministry”). The Ministry is a “public body” as defined in the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (“*FIPPA*”).
2. The petition respondent, the BC Civil Liberties Association (“BCCLA”), is a not-for-profit organization that seeks to promote, defend, sustain, and extend civil liberties and human rights.
3. The petition respondent, the Office of the Information & Privacy Commissioner (“OIPC”), is an independent office of the Legislature who oversees the information and privacy practices of public bodies and private organizations. The Commissioner is responsible for the administration of *FIPPA*.

The Underlying Inquiry

4. On October 3, 2019, the BCCLA made an access for information request to the Ministry under *FIPPA* for all records relating to the cost of bringing the *Community Safety Act*, SBC 2013, c 16 (the “*CSA*”) into force. It is the position of the BCCLA that the financial basis of the CSA lacked transparency, and it was on this basis that they sought records from the Ministry.
5. The Ministry identified records and disclosed portions of them to the applicant, while withholding some information under sections 12(1) (Cabinet confidences), 13(1) (policy advice or recommendations), 16(1)(a)(ii) (harm to intergovernmental relations or negotiations), and 17 (harm to financial or economic interests of a public body) of *FIPPA*.
6. The applicant asked the OIPC to review the Ministry’s decision. Mediation did not resolve the issues, and the applicant requested that they proceed to inquiry.

7. During the inquiry, the Ministry decided to disclose additional information and withdrew its reliance on section 17 to deny access. At the same time, the Ministry added a claim of section 14 of *FIPPA* (solicitor-client privilege) to some information, and the applicant did not object. The applicant subsequently asked and was permitted to add section 25(1)(b) (public interest).

The Commissioner's Decision

8. The Commissioner's Delegate (the "Delegate") issued her order on June 1, 2023 (the "Order").¹ In the Order, the Delegate reached the following conclusions:
 - (a) The Ministry was not required to disclose the information pursuant to section 25(1)(b).²
 - (b) The Ministry was correct in part in refusing access to the information under sections 13(1) and 14. In particular, the Ministry was authorized by section 13(1) to refuse to disclose the information withheld from pages 14-17, 19 and 21, 42-43, 48-51, 68, and the final severed portion on page 56 on that basis.³ The Ministry was also authorized by section 14 to refuse to disclose the information it withheld from pages 41, 43 and 68 on that basis.⁴ However, the Ministry failed to establish that solicitor-client privilege applied to the information redacted on pages 18 and 46 of the disputed information.⁵
 - (c) The Ministry was not required to withhold the information in dispute under sections 12(1) or 16(1)(a)(iii), subject to item (d) below.⁶
 - (d) Pursuant to sections 44(1)(b) and 44(3) of *FIPPA*, the Ministry was required to produce to the Delegate pages 18 and 46 in their entirety so that the Delegate can decide if sections 12(1), 13(1), and 16(1)(a)(ii) apply.⁷

¹ Indexed as OIPC File No. F20-82707 ("Order").

² Order at para. 21.

³ Order at paras. 87 and 91.

⁴ Order at paras. 38-39.

⁵ Order at para. 46.

⁶ Order at paras. 65.

⁷ Order at para. 52.

9. The Ministry is only challenging the Delegate's findings with respect to sections 12 and 14, and the section 44 order.

Statutory Scheme

10. This review turns on the Delegate's understanding and interpretation of *FIPPA* as it relates to the facts and evidence underlying the inquiry.
11. The overarching purpose of access to information legislation such as *FIPPA* is "to facilitate democracy" by ensuring that "citizens have the information required to participate meaningfully in the democratic process, and [...] the politicians and bureaucrats remain accountable to the citizenry."⁸ This purpose is a necessary guide in interpreting the legislation and considering its application to the case at hand.
12. The sections of *FIPPA* relevant to this review are outlined below:
 - (a) **Section 12** is a mandatory requirement for public bodies to withhold information which, if disclosed, 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.
 - (b) **Section 14** is an exception to the general rule regarding disclosure, and reads "the head of a public body may refuse to disclose to an application information that is subject to solicitor-client privilege."
 - (c) **Section 44** speaks to the powers of the Commissioner in conducting investigations, audits, or other inquiries. The relevant portions read:

44 (1) For the purposes of conducting an investigation or an audit under section 42 or an inquiry under section 56, the commissioner may make an order requiring a person to do either or both of the following:

⁸ *Dagg v. Canada (Minister of Finance)*, [1997] 2 SCR 403 at para. 61.

[...]

(b) produce for the commissioner a record in the custody or under the control of the person, including a record containing personal information.

(2.1) If a person discloses a record that is subject to solicitor client privilege to the commissioner at the request of the commissioner, or under subsection (1), the solicitor client privilege of the record is not affected by the disclosure.

(3) Despite any other enactment or any privilege of the law of evidence, a public body must produce to the commissioner within 10 days any record or a copy of any record required under subsection (1). ...

PART 2: ISSUES

13. The petitioner has set out three main issues to be decided on this review:
 - (a) Did the Delegate err at law when she decided that the Ministry was not authorized to refuse to disclose some of the disputed information under section 14?
 - (b) Did the Delegate err at law when she ordered production of pages 18 and 46 of the disputed information under section 44 of *FIPPA* so that she could decide if sections 12(1), 13(1), and 16(1)(a)(ii) apply?
 - (c) Was it reasonable for the Delegate to conclude that the public body was not required to withhold the information in dispute under section 12?
14. The BCCLA agrees with the characterization of these issues, but for a disagreement as to the standard of review implied at paragraph 13(b). This issue will be explored in the following section, however as a summary the BCCLA submits that whether this issue should be characterized as whether the Delegate made an “error of law” or whether her decision was “reasonable” is dependent on

whether or not the Delegate was correct in her assessment that the records at pages 18 and 48 are not solicitor-client privileged.

PART 3: STANDARD OF REVIEW

15. The BCCLA agrees with the public body's characterization of the standard of review for the issues set out at paragraphs 13(a) and 13(c) above. However, the BCCLA disagrees with the public body's characterization of the standard of review for the issue at paragraph 13(b).
16. The onus of persuasion is on the petitioner to demonstrate that the decision does not meet the requisite standard of review.⁹
17. With respect to the issue identified at paragraph 13(a), the standard of review is correctness. These issues relate to the scope of section 14 of *FIPPA* and the application of the law of solicitor client privilege, which the Supreme Court of Canada has confirmed are reviewed on a correctness standard.¹⁰
18. On the correctness standard, the court has full authority to come to its own conclusions. However, the court should nonetheless take into account the decision maker's reasoning, and may even find that reasoning persuasive and adopt it.¹¹
19. With respect to the issue identified at paragraph 13(c), the standard of review is reasonableness. This issue relates to the Delegate's interpretation and application of section 12(1) of *FIPPA* and, her exercise of discretion is entitled to deference.¹²
20. The focus of reasonableness review must be on the decision actually made by the Delegate, including both the Delegate's reasoning process and the outcome. The role of courts in these circumstances is to *review*, and they are, at least as a general rule, to refrain from deciding the issue themselves.¹³

⁹ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 ("Vavilov") at para. 100.

¹⁰ *Vavilov* at para. 59.

¹¹ *Vavilov* at para. 54.

¹² *Imperial Oil Ltd. v. Calgary (City)*, 2014 ABCA 231 at para. 33, leave to appeal to SCC refused, 36098 (February 19, 2015).

¹³ *Vavilov* at para. 83.

21. A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker, and the reasonableness standard requires that a reviewing court defer to such a decision.¹⁴
22. The petitioner bears the onus of identifying clear errors of logic on the part of the Delegate, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise.¹⁵
23. With respect to the issue identified at paragraph 13(b), the standard of review is dependent on whether or not the Delegate was correct in her assessment that the records at pages 18 and 48 are not solicitor-client privileged. If the Delegate is found to be incorrect in her assessment of the application of section 14 of *FIPPA* to these records, then any disclosure under section 44 must be reviewed on a correctness standard, to the extent disclosure includes information covered by solicitor-client privilege.¹⁶ However, if the Delegate is correct in her assessment that section 14 does not apply to the records, then this decision must be reviewed on a reasonableness standard as it relates solely to her exercise of discretion under section 44, absent any interplay with section 14.
24. In *Ministry of Attorney General and Toronto Star*,¹⁷ a decision of the Ontario Superior Court of Justice Divisional Court, the court concluded that an adjudicator's exercise of discretion under section 52(4) of the Ontario *Freedom of Information and Protection of Privacy Act*, RSO 1990, c F31, which is equivalent to section 44(1)(b) of *FIPPA*, was subject to a reasonableness standard of review.¹⁸ Section 52(4) of the Ontario *Freedom of Information and Protection of Privacy Act* and section 44 of *FIPPA* are extracted and compared below:

¹⁴ *Vavilov* at para. 85.

¹⁵ *Vavilov* at para. 105.

¹⁶ *Vavilov* at para. 59.

¹⁷ 2010 ONSC 991 ("*Toronto Star*").

¹⁸ *Toronto Star* at para. 34.

British Columbia	Ontario
<p>44 (1) For the purposes of conducting an investigation or an audit under section 42 or an inquiry under section 56, the commissioner may make an order requiring a person to do either or both of the following:</p> <p>[...]</p> <p>(b) produce for the commissioner a record in the custody or under the control of the person, including a record containing personal information.</p>	<p>52 (4) In an inquiry, the Commissioner may require to be produced to the Commissioner and may examine any record that is in the custody or under the control of an institution, despite Parts II and III of this Act or any other Act or privilege, and may enter and inspect any premises occupied by an institution for the purposes of the investigation.</p>

PART 4: ARGUMENT

The Delegate was correct that legal advice privilege had not been established for the parts of the information in dispute under section 14 of FIPPA

25. The Ministry acknowledges that the Delegate identified the relevant legal principles related to solicitor client privilege, but argue that she failed to apply these principles correctly.¹⁹ When deciding if legal advice privilege applies to a document, the OIPC must consider whether the following requirements are satisfied:

- (a) A communication between solicitor and client (or their agent);
- (b) That entails the seeking or providing of legal advice; and
- (c) That is intended by the solicitor and client to be confidential.²⁰

¹⁹ Written Submissions of the Ministry at para. 58.

²⁰ *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 SCR 821 at p 837.

26. The Ministry's main argument is that the Delegate's conclusion regarding section 14 was incorrect because the Delegate's analysis did not afford the legal counsel affidavit the deference it was owed. The Ministry further argues that the Delegate misunderstood the legal relationship between the Attorney General and the government's ministries.
27. The BCCLA concedes that "some weight" must be given to the judgment of counsel when the OIPC is adjudicating claims of solicitor-client privilege.²¹ However, this deference cannot subsume the independent reviewing function of the OIPC that is clearly contemplated at section 2(e) of *FIPPA*.
28. Put another way, it would be inconsistent with the purpose of *FIPPA* to require the OIPC to take on a "limited role" in reviewing a legal counsel affidavit put forward in an inquiry without any consideration to the content and context of the evidence:

It would be entirely antithetical to the statutory scheme and its overarching purposes to require the Commissioner to defer to the decisions of public bodies in conducting a review under *FIPPA* rather than exercise the independent review function assigned to the Commissioner by the Act.²²

29. In this case, the Delegate was empowered by *FIPPA* to assess each issue before her, including those involving solicitor-client privilege, to determine what level of disclosure is appropriate and what level of intervention, if any, is required.²³ The Delegate was required to review and consider the adequacy of any affidavit filed in support of a claim for solicitor-client privilege and "it is for the [O]IPC to decide whether the affidavit is adequate, subject to judicial review on a correctness standard."²⁴
30. In her broad review of the Ministry's claims for solicitor-client privilege, the Delegate found that a number of the records were properly the subject of solicitor-

²¹ *British Columbia (Minister of Finance) v. British Columbia (Information and Privacy Commissioner)*, 2021 BCSC 266 ("*Minister of Finance v. IPC*") at para. 86.

²² *Vancouver Whitecaps FC LP v British Columbia (Information and Privacy Commissioner)*, 2020 BCSC 2035 at para. 42.

²³ *Minister of Finance v. IPC* at para. 88.

²⁴ *Minister of Finance v. IPC* at para. 92.

client privilege and confirmed the Ministry's decision to withhold these records. However, the Delegate concluded that the lawyer affidavit provided by the Ministry did not offer sufficient evidence to conclude that section 14 applied to the withheld content of the slide at pages 18 and 46.²⁵ In reaching this conclusion, the Delegate relied on the following:

- (a) NC's evidence strongly suggests that the slide at page 18 and the Word document at page 46 were created 4 or 5 years before NC was in a solicitor-client relationship with the Ministry of Public Safety and Solicitor General, and it is difficult to see how disclosure of a document prepared in 2012 or 2013 could somehow reveal confidential legal advice about the CSA from an individual who did not serve in the capacity of solicitor to the Ministry until 2017.²⁶
 - (b) NC's evidence, and the Ministry's evidence in relying on it, are insufficient to meet the Ministry's burden to establish on a balance of probabilities that the withheld portions of the slide and Word document satisfy all three parts of the test for privilege. Specifically, the evidence does not support that disclosure of the slide at page 18 and Word document at page 46 would reveal actual confidential communications about legal advice provided to the Ministry by its solicitor.²⁷
31. The Delegate acknowledged that some deference was owed to lawyers claiming privilege (and her thorough analysis of all of the claimed instances of privilege demonstrate that she understood and applied this deference throughout her inquiry).²⁸ However, deference does not mean that the Ministry is absolved of meeting its burden to establish all three parts of the test for solicitor-client privilege. It was open to the Ministry to provide suitable evidence to support its claim for privilege and put its best foot forward to meet its case, and it chose not to:

²⁵ Order at para. 42.

²⁶ Order at paras. 43-45.

²⁷ Order at para. 46.

²⁸ Order at para. 46.

Under *FIPPA*, the legal burden of adducing evidence sufficient to establish the privilege lies on the Ministry, a burden consistent with that in civil litigation, and public bodies must as a rule, put their best foot forward from the very start and tender whatever necessary evidence there is to meet its case. This Office is duty bound to adjudicate matters neutrally and fairly. Its inquiry procedures must be respected and all public bodies, including the Ministry, must provide their best evidence at the outset, in their initial submissions.²⁹

32. Where the Ministry does not provide best evidence to support a claim of solicitor-client privilege, an adjudicator is not required to defer to this evidence, even if it comes from a solicitor.³⁰

It was reasonable for the Delegate to require the public body to produce pages 18 and 46 of the disputed information to her under section 44 of FIPPA

33. Based on her conclusion that the public body was not authorized to withhold the information on pages 18 and 46 for solicitor-client privilege, the Delegate went on to find that it was necessary to consider whether those records may still be properly withheld under sections 12(1), 13(1), and/or 16(1)(a)(ii).³¹ The Delegate noted that the evidence available to her was not sufficiently detailed to allow her to decide whether sections 12(1), 13(1), and/or 16(1)(a)(ii) apply to pages 18 and 46 of the disputed information, particularly as sections 12(1), 13(1), and 16 require a line-by-line analysis.³²
34. In light of this, the Delegate found that it was necessary to make an order under section 44(1)(b) compelling production to her of pages 18 and 46 of the records so that she could decide whether sections 12(1), 13(1), and 16(1)(a)(ii) apply.³³
35. Based on the Delegate's conclusion that the public body was not authorized to withhold the information on pages 18 and 46 for solicitor-client privilege, it was

²⁹ *British Columbia (Attorney General) (Re)*, 2018 BCIPC 21 at para. 17.

³⁰ *Minister of Finance v. IPC* at para. 156.

³¹ Order at paras. 58 and 51.

³² Order at para. 51.

³³ Order at para. 52.

reasonable for the Delegate to order disclosure under section 44(1)(b) of *FIPPA*. Such an order is internally coherent and based on comparable authority.³⁴

36. In the alternative, should this Court find that the Delegate was incorrect in her assessment of the application of section 14 of *FIPPA* to the pages in question, it would still be correct for the Delegate to order production of these pages in order to decide whether the other redactions on these pages, namely the redactions under sections 12, 13 and 16, are appropriate where they have been severed from the section 14 redactions. The Delegate would not be precluded from reviewing pages 18 and 46 of the records simply because parts of the documents contain information that is solicitor-client privileged.
37. It is clear on a plain reading of s. 44, and specifically section 44(2.1), that *FIPPA* gives the Delegate the power to order production of solicitor-client privileged records. As stated by this court:

The words of subsection 2.1 are clear, express and unequivocal. Not only do they create a safeguard in the event that privileged records are inadvertently disclosed [...], they also abrogate solicitor client privilege. That is because the subsection directly addresses the situation where the Commissioner has made an order under s. 44(1) requiring the production of records subject to solicitor-client privilege, by expressly stating that compliance with the Commissioner's order does not waive the privilege.

[...]

Reading s. 44 as a whole in light of the modern principle of statutory interpretation, I conclude that the Commissioner has the power to make an order under s. 44(1) compelling the production of solicitor-client privileged records.³⁵

38. The Court of Appeal has clearly indicated that, where part of a record is not privileged, it must be severed and disclosed under section 4(2) of *FIPPA*.³⁶

³⁴ *Re Board of Education of School District 39 (Vancouver)*, 2010 BCIPC 29 at para. 45.

³⁵ *British Columbia (Children and Family Development) v British Columbia (Information and Privacy Commissioner)*, 2023 BCSC 1179 at paras. 49 and 53.

³⁶ *College of Physicians of BC v British Columbia (Information and Privacy Commissioner)*, 2002 BCCA 665 at para. 68.

39. Page 18 of the slide deck shows redactions pursuant to sections 13 and 16 of *FIPPA* that are severed from any redactions under section 14. It is possible for the Delegate to order production of this page in order to decide if the redactions under sections 13 and 16 are appropriate even if the section 14 redactions are found to be appropriate.
40. Page 46 also shows redactions pursuant to sections 12 and 16 that are severed from the redaction under section 14. It is possible for the Delegate to order production of this page in order to decide if the specific redactions under sections 12 and 16 are appropriate even if the section 14 redactions are found to be appropriate.

It was reasonable for the Delegate to conclude that the public body was not entitled to withhold the information in dispute under section 12(1) of FIPPA

41. Under section 12(1) of *FIPPA*, the Ministry withheld most of a draft budget paper and two Word documents, as well as parts of emails, arguing that disclosure would allow the drawing of accurate inferences about Treasury Board deliberations, thereby indirectly revealing the substance of the deliberations.
42. The submissions of the Ministry on this point remain speculative, arguing that “draft submissions may contain information that ultimately ends up before the Treasury Board as final submission” and “revealing the contents of a draft submission may reveal substantive information about a final submission.”³⁷ However, speculation alone cannot ground the withholding of information.
43. As noted by the Delegate, the burden of proof rests with the Ministry to provide satisfactory evidence linking the withheld information with specific Cabinet or Cabinet committee consideration.³⁸
44. In her analysis, the Delegate properly identified and summarized the legal principles informing her analysis under s. 12. Specifically, she noted that The BC

³⁷ Ministry’s Written Submissions at para. 98.

³⁸ Order at para. 73.

Court of Appeal decision in *Aquasource*³⁹ established that "substance of deliberations" in s. 12(1) refers to the body of information that Cabinet or one of its committees considered (or would consider in the case of submissions not yet presented) in making a decision."⁴⁰

45. The Delegate then went on to conduct a thorough review of the evidence before reaching the conclusion that there were gaps in the evidence significant enough to reject the Ministry's position that it is required to refuse to disclose the withheld information on the basis of s. 12(1) of *FIPPA*.⁴¹
46. Specifically, the Delegate noted the following:
 - (a) The development of the draft budget paper was only a first step towards the Ministry advancing a Treasury Board submission to seek additional funding required to implement the *CSA*.⁴²
 - (b) The Ministry provided inconsistent information regarding when or how the Treasury Board considered the totality of information it was provided including the Word documents, emails and the draft budget paper or subsequent version.⁴³
 - (c) The Affidavit of GE, which the Ministry relies on, does not necessarily support that the subsequent version of the draft budget paper went before the Treasury Board and is silent on whether the *CSA* budget-ask or any information contained in the draft budget paper was included in Budget 2018 submissions or a Treasury Board submission at all.⁴⁴
 - (d) The evidence from GE and the Ministry is silent as to the existence of a Treasury Board submission related to the information in the draft budget

³⁹ *Aquasource Ltd. v The Freedom of Information and Protection of Privacy Commissioner for the Province of British Columbia*, (1998), 111 BCAC 95 ("*Aquasource*"), at para. 48.

⁴⁰ *Aquasource* at para. 39.

⁴¹ Order at para. 65.

⁴² Order at para. 66.

⁴³ Order at paras. 67-68.

⁴⁴ Order at para. 69.

paper, or any Treasury Board meeting where the information in the draft budget paper was deliberated upon.⁴⁵

- (e) A Treasury Board submission, not a budget paper, is the form of document required to be put before the Treasury Board proper when asking it to apportion money to a specific budget-ask. Therefore, the Ministry's own evidence about the purpose of budget papers does not assist in establishing that the information in dispute would reveal the substance of the Treasury Board's deliberations.⁴⁶
- (f) There must be satisfactory evidence linking the withheld information with specific Cabinet or Cabinet committee consideration. The evidence put forward by the Ministry does not strongly support that the information withheld under section 12(1) went before the Treasury Board itself or that it formed the basis of the Treasury Board deliberations. The evidence at most supports a conclusion that the withheld information went to Treasury Board staff.⁴⁷
- (g) The Ministry's evidence fails to support the conclusion that disclosure of the withheld information could reveal or permit accurate inferences about the body of information the Treasury Board "would consider in the case of submissions not yet presented" in regarding operationalizing the CSA. It is doubtful that the applicant would be able to accurately infer the substance of the deliberations of the Treasury Board when, or if, the implementation of the CSA next comes up for consideration.⁴⁸

47. The Delegate's analysis of the evidence regarding section 12 reflect an internally coherent and rational chain of analysis that is justified in relation to the evidence and law. This analysis of evidence should be owed particular deference.⁴⁹

⁴⁵ Order at para. 70.

⁴⁶ Order at para. 71-72.

⁴⁷ Order at para. 73.

⁴⁸ Order at para. 73-74.

⁴⁹ *Vavilov* at para 125.

48. In specific response to paragraph 102 of the Ministry's written submissions, the Ministry's suggestion that the Delegate's conclusion was unreasonable because "the process of weeding out potential submissions in this manner may reveal the substance of deliberations" is inconsistent with the purpose and interpretation of section 12.
49. First, the Ministry's suggestion is akin to extending Cabinet confidences to the staff level where that information is not sufficiently linked to the specific Cabinet or Cabinet committee in question, which is inconsistent with the wording and intention of the legislation.
50. In addition, the information already disclosed in the draft budget paper clearly reveals the subject matter that the staff were considering. It is unclear how revealing the associated cost estimates provide the BCCLA any additional or other information about the Board's priorities than what has already been disclosed.

PART 5: ORDERS SOUGHT

51. For the reasons set out above, the BCCLA asks that the Ministry's petition be dismissed.
52. If the Court finds that the Delegate's application of section 14 was incorrect, the BCCLA submits that the Delegate's order regarding section 44 should still stand only with respect to the redacted information that is severed from the section 14 redactions.
53. The BCCLA agrees with the Ministry that if the Court finds that the Delegate's application of section 12 of *FIPPA* was unreasonable, the appropriate remedy

would be to remit the matter back to the Commissioner for a rehearing on that issue, including consideration of section 12(2)(c).

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at Vancouver, British Columbia this 16th day of January, 2024.

Chya Mogerman
Veronica Martisius

Lawyers for the Respondent, BCCLA