

British Columbia Ferry Services Inc.  
Suite 500 – 1321 Blanshard Street  
Victoria, BC V8W 0B7  
Tel (250) 978-1502  
Fax 1-866-846-0453  
www.bcferries.com

May 27, 2022

Sent via email to: [ ]

[ ]

File: FOI-2022-025

Dear [ ]:

**Re: Freedom of Information and Protection of Privacy Request**

I am writing with regard to the following request for access to records received by British Columbia Ferry Services Inc. under the *Freedom of Information and Protection of Privacy Act* ("FOIPP Act"):

*Copy of any signed agreements with Union Bay Industries Ltd. and/or Deep Water recovery Ltd., including but not limited to formal agreements, letter agreements, letter of intent, etc.*

Further to our letter of April 27, 2022, a third party had 20 business days to apply for a review of our decision regarding disclosure of a record responsive to this request. As the third party did not apply for a review, enclosed please find a copy of the record.

The record contains information excepted from disclosure under the FOIPP Act. We have removed personal contact details and signatures, as the disclosure of this personal information would be an unreasonable invasion of third parties' privacy under section 22 of the FOIPP Act. An excerpt of the relevant section is attached.

Thank you for your deposit of \$10.30 for this request. The final charge for this request is the same amount, calculated as follows:

<b>Locating and retrieving the records</b>	Less than 3 free hours provided in the FOIPP Act	No charge
<b>Scanned electronic copies of paper records</b>	28 pages @ \$0.10/page	\$2.80
<b>Preparing records for disclosure</b>	0.25 hours @ \$30.00/hour	\$7.50
	<b>TOTAL</b>	<b><u>\$10.30</u></b>

As this charge is the same as your deposit, the account for this request is settled.

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You can apply to the Information and Privacy Commissioner for a review of this response. You have 30 working days from receipt of this letter to request a review by writing to:

Office of the Information and Privacy  
Commissioner for British Columbia  
PO Box 9038, Stn. Prov. Govt.  
Victoria, BC V8W 9A4  
Facsimile: (250) 387-1696

If you request a review, please provide the Commissioner's office with a copy of this letter, a copy of your original request, and the reasons or grounds upon which you are requesting the review.

If you have any questions, please write or call our office at (250) 978-1502.

Sincerely,

*Original Signed By*

Jason Eamer-Goult  
Director, Regulatory & FOIPP

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

### [RSBC 1996] CHAPTER 165

#### *Disclosure harmful to personal privacy*

- 22** (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*,

(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).