



BC FREEDOM OF
INFORMATION
AND PRIVACY
ASSOCIATION

BC Lottery Corporation goes “all in” to avoid FOI requests

Updated and corrected March 23, 2012

BCLC appeals three of six FOI Orders to BC Supreme Court

The BC Lottery Corporation REALLY doesn't like to release information to Freedom of information requesters. Of all the 2,500+ public bodies covered by BC's Freedom of Information and Protection of Privacy act, it is proving to be the most reluctant and most litigious.

BCLC's denial of six FOI requests went to hearings before the Information and Privacy Commissioner in the past year, with BCLC claiming a variety of exceptions to the rule that records must be released. They claimed everything from policy advice, to legal privilege, to harm to law enforcement and risk to their economic interests. Not to forget potential damage to third parties and to personal privacy.

They lost every one of those hearings. In each case, the Commissioner's office made an order requiring BCLC to release records. In four out of the six cases, every ground raised by BCLC was rejected by the Commissioner.

On March 15, BCLC was supposed to release a number of records related to their compliance (or lack of compliance) with federal proceeds of crime laws after being ordered to do so by the Commissioner's office. Instead they filed yet another petition for judicial review.

Since 2011, BCLC has filed appeals in BC Supreme Court of half of these Orders from the Commissioner.

Based on what similar appeals have cost, FIPA estimates that the legal costs incurred by BCLC and the Commissioner (who will have to defend her decisions) will run to hundreds of thousands of taxpayer dollars.

ATTACHED: Chart of BC Lottery Corporation Litigation 2011-2012

CONTACT: Vincent Gogolek, 604-739-9788 Cell 604-318-0031
Email Vincent@fipa.bc.ca Web <http://fipa.bc.ca/home/>

BC Lottery Corporation Litigation 2011-2012

Order	Records sought	Exceptions claimed	Result	Judicial review petition filed?
F11-12 http://www.oipc.bc.ca/orders/2011/OrderF11-12.pdf	Casino Standards, Policies and Procedures Manual (v.2)	Law enforcement s.15 Economic interests s.17	Almost all records ordered released. S.15 applies to some	yes
F11-23 http://www.oipc.bc.ca/orders/2011/OrderF11-23.pdf	Progress Report on a program designed to help problem gamblers	Policy advice s.13	All records ordered released	no
F11-25 http://www.oipc.bc.ca/orders/2011/OrderF11-25.pdf	Online sales figures sorted by the first three characters of BC's postal codes.	Economic interests s.17	All records ordered released	yes
F11-28 http://www.oipc.bc.ca/orders/2011/OrderF11-28.pdf	Correspondence between BCLC and director of a gaming co., who was former Chair of BCLC.	Third party s.21 Privacy s.22	All records ordered released with the exception of personal medical records.	Yes, but by "a director of a gaming company, who was also a former Chair of the Board of Directors of BCLC."
F11-32 http://www.oipc.bc.ca/orders/2011/OrderF11-32.pdf	Records relating to BCLC compliance with federal Proceeds of Crime legislation	Legal privilege s.14	All records ordered released	no
F12-04 http://www.oipc.bc.ca/orders/2012/OrderF12-04.pdf	Records relating to BCLC compliance with federal Proceeds of Crime legislation	Fair trial, facilitate an offence, s. 15 Intergovernmental relations s.16	All records ordered released	yes