

NEWS RELEASE
August 11, 2014



BC Government had obligation to release tailings pond info

BC FIPA asks Info and Privacy Commissioner to investigate BC government (in)action

VANCOUVER, B.C.—The BC Freedom of Information and Privacy Association has filed a complaint with the BC Information and Privacy Commissioner over the BC government’s failure to release information in its possession about the now-collapsed Mt. Polley tailings pond.

<https://fipa.bc.ca/fipa-complaint-to-oipc-mount-polley-tailings-pond/>

Section 25 of the *Freedom of Information and Protection of Privacy Act (FIPPA)* requires a public body to release information “without delay” without a FOI request where there is “...a risk of significant harm to the environment or to the health or safety of the public or a group of people”.

“The situation in Mount Polley certainly seems meet the law’s requirements,” said FIPA Executive Director Vincent Gogolek. “If the government had information about past problems with the dam around the tailings pond, they should have informed local residents as required by law.”

Following an earlier complaint by BC FIPA and the UVic Environmental Law Clinic about public bodies failing to release information under this section, Information and Privacy Commissioner Elizabeth Denham investigated the situation. In a report released in December 2013, Commissioner Denham found the BC government failed to carry out its legal duty to release information prior to the collapse of the Testalinden Dam in Oliver.

<https://www.oipc.bc.ca/investigation-reports/1588>

She also made a number of recommendations for improvements.

“When the Commissioner recommends action on release of information affecting health and safety or the environment we should expect that the government would take action,” said FIPA Executive Director Vincent Gogolek. “It is important for the Commissioner to investigate not just to see if the BC government has again broken the law, but also to see if they have done anything to implement her recommendations.”

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