



March 18, 2014

C. Hamilton, Registrar
Office of the Information and
Privacy Commissioner
4th Floor – 947 Fort Street
Victoria, BC V8V 3K3

Dear Ms. Hamilton:

**Re: Inquiry under Part 5 of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) between BC Freedom of Information and Privacy Association (“applicant”) and the Ministry of Health (“public body”) and The University of Victoria and the University of British Columbia (third parties);
OIPC File No.: F12-50727; PB File No.: HTH-2012-00142**

The Ministry has reviewed the submissions of the Applicant and makes the following submissions in reply:

1. The head of the public body did review the relevant factors in the exercise of discretion in this case. Specifically, as is the Ministry’s practice, the head considered the following factors in making the decision at issue in this inquiry:
 - The general purposes of the legislation: public bodies should make information available to the public; individuals should have access to personal information about themselves;
 - The wording of the discretionary exceptions and the interests which the sections attempts to balance;
 - Whether the applicant's request could be satisfied by severing the record and by providing the applicant with as much information as is reasonably practicable;
 - The historical practice of the public body with respect to the release of similar types of records;
 - The nature of the record and the extent to which the record is significant and/or sensitive to the public body;
 - Whether the disclosure of the information will increase public confidence in the operation of the public body;
 - The age of the records;
 - Whether there is a sympathetic or compelling need to release the records;
 - Whether previous orders of the Information and Privacy Commissioner (the Commissioner) have ruled that similar types of records or information should or should not be subject to disclosure.
 - When the policy advice exception is claimed, whether the decision to which the advice or recommendations relates has already been made.

Ministry of
Justice

Legal Services Branch
Constitutional and Administrative Law

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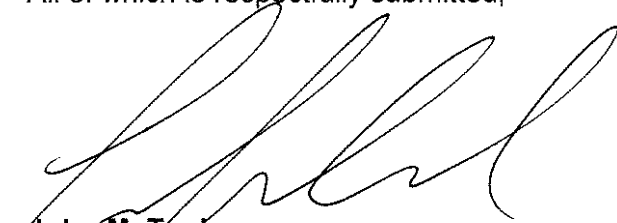
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In addition to replying to the Applicant's initial submissions, the Ministry would like to note and correct two errors found in the Taylor affidavit and the Ministry's initial submissions.

The first error is found in at paragraph 16 of the Taylor affidavit and paragraph 4.28 of the Ministry's initial submissions, wherein the Applicant is referred to as a "target" of the investigation. The Applicant was not, and is not, a target of the Ministry investigation. The second error relates to paragraph 17 of the Taylor affidavit and paragraph 4.29 of the Ministry's initial submissions. In those paragraphs, there were intended to be two references to "Section 15 Information". However, the second reference mistakenly reads "Section 13 Information. These errors have been corrected in the attached, newly sworn, affidavit. Also attached is a replacement copy of page 10 of the Ministry's initial submissions, which also corrects those errors. The Ministry requests that your office remove the existing page 10 of its initial submissions and replace it with the attached revised page 10.

All of which is respectfully submitted,



John M. Tuck
Barrister and Solicitor

Enclosures

Copy to Applicant with copy of Affidavit of Wendy Taylor
with *in camera* portions severed;

Copy to Client with copy of Affidavit of Wendy Taylor
with *in camera* portions included