

Received DC Office November 16, 2020

From: Monique LeBlanc <MLeBlanc@oipc.bc.ca>
Sent: Monday, November 16, 2020 10:25 AM
To: Tyra Henderson <Tyra.Henderson@prrd.bc.ca>
Subject: OIPC file F20-82970 (EMP-2019-98491)

Good morning Tyra,

Please see the attached *draft* inquiry documents.

The Ministry has indicated that they are still reconsidering the records to determine what/if they can release to you. If they do so before the inquiry is set to begin, you can then withdraw and I'll cancel it. But if they apply redactions to portions of the records, the inquiry can still proceed if you want an Adjudicator to make a decision on whether you're entitled to that information. Let me know if you have any questions.

Regards,
Monique



Monique LeBlanc, CIPP/C
Senior Investigator

Phone: 250-387-0354

www.oipc.bc.ca



We acknowledge the homelands of the Indigenous Peoples of this place we now call British Columbia, and honour the many territorial keepers of the Lands on which

November 16, 2020

To: The Applicant

Tyra Henderson
Corporate Officer
Peace River Regional District
Box 810
1981 Alaska Ave
DAWSON CREEK BC V1G 4H8

To: The Public Body

Melissa Boyd
FOI Specialist
Information Access Operations
PO Box 9569 Stn Prov Govt
VICTORIA BC V8W 9K1

Re: Investigator's Fact Report (draft)

The above-referenced file is proceeding to inquiry. As the Investigator responsible for the matter, I have prepared and enclosed a draft Fact Report:

- a) providing a chronology of the request, review and inquiry processes;
- b) setting out the facts and indicating any that are in dispute;
- c) describing the records and issues in dispute and any issues no longer in dispute; and
- d) specifying which provisions of FIPPA are in issue.

The Fact Report does not include details relating to any attempts the parties made to settle the matter through mediation, other than to note any issues that have been settled and are no longer in dispute.

The Fact Report is the foundational document going into the inquiry process, so please review it carefully. If either party has any questions or concerns about the enclosed Fact Report, please contact me by **November 30, 2020**. Submissions received within this time frame will be considered and the fact report amended if appropriate.

Once the inquiry commences, the Registrar of Inquiries will issue the finalized Fact Report to the parties along with a Notice of Inquiry and other materials.

Once the inquiry is scheduled, extensions will only be granted in exceptional circumstances.

We encourage parties who may require legal assistance regarding matters set out in the Fact Report and/or for the upcoming inquiry to act immediately to find a legal representative, as the

inquiry dates will not be rescheduled because of unreasonable or avoidable delays in seeking legal assistance. Parties are asked to begin preparing for the inquiry now.

For further information about the inquiry process, please review the OIPC's *Instructions for Written Inquiries* at <https://www.oipc.bc.ca/guidance-documents/1744>.

If you have any questions or concerns, please contact me by telephone at 250-387-0354 or by email at mleblanc@oipc.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'M LeBlanc', with a stylized, cursive script.

Monique LeBlanc
Senior Investigator

Investigator's Fact Report

In the Matter of a Request for Review between

**Peace River Regional District (applicant)
and
the Ministry of Energy, Mines and Petroleum Resources (public body)**

**Written Inquiry under
the *Freedom of Information and Protection of Privacy Act* (FIPPA)
Office of the Information and Privacy Commissioner**

- 1) On December 19, 2019, the applicant requested *"all relevant reports, statistics and assessments related to the Old Fort Landslide."*
- 2) On January 8, 2020, the public body contacted the applicant to request clarification.
- 3) On January 17, 2020, the applicant clarified the request to *"all reports relating to the Old Fort Landslide."*
- 4) On February 28, 2020, the public body responded, withholding the responsive records pursuant to section 15 of FIPPA.
- 5) On April 27, 2020, the applicant requested a review of the public body's decision.
- 6) Mediation did not resolve the issue and the applicant requested that the matter proceed to an inquiry.
- 7) At the inquiry, the Adjudicator will consider whether the public body is authorized by section 15 of FIPPA to deny access to the 288 pages of responsive records.

Prepared by: Monique LeBlanc,
Office of the Information and Privacy Commissioner

OIPC File No.: F20-82970
Public Body File No: EMP-2019-98491