

NEWS RELEASE

For immediate release

January 31, 2012



BC government should face penalty for deliberately blocking FOI requests - FIPA

Vancouver – The BC Freedom of Information and Privacy Association is calling for penalties to be imposed on the BC government for cases where its deliberate cover-ups of embarrassing information amount to an abuse of the freedom of information process.

Yesterday the Vancouver Sun reported that the BC government spent 19 months claiming that a pamphlet promoting the HST was ‘advice to the minister’ and therefore would not be released through FOI. The government finally released the documents to The Sun on the eve of an inquiry to be held by BC’s Information Commissioner.

<http://www.vancouversun.com/news/Liberals+planned+promote+with+iPad+giveaway/6070263/story.html>

In a letter to the requester sent the day before the scheduled hearing, the government stated they still believe the pamphlet falls under the FOI act’s section 13 exception for policy advice to the minister, but they would exercise their discretion and release it.

FIPA has fought against the ever-expanding use of the policy advice exception by government, including challenging the government’s interpretation in court. The section has been stretched to cover responses to a government consultation and lobbying by public bodies, and now in the most extreme case to date, a pamphlet prepared for release to the general public.

“There are provisions in the law that allow public bodies to take action against requesters who make frivolous or vexatious requests, but nothing to sanction a public body that abuses the FOI process,” FIPA Executive Director Vincent Gogolek stated. “It’s time that a public body that deliberately frustrates an FOI request faces some real consequences.”

“The government clearly intends to keep using this black hole to block anything which they consider embarrassing, and this type of abuse should be subject to penalties in the *Freedom of Information and Protection of Privacy Act*,” said Gogolek. “This waste of everybody’s time and resources should not be allowed to continue.”

To view the government pamphlet, go to

[http://www.fipa.bc.ca/library/Released through FOI/FOI'd HST pamphlet--Jan 30 2011.pdf](http://www.fipa.bc.ca/library/Released%20through%20FOI/FOI'd%20HST%20pamphlet--Jan%2030%202011.pdf)

-30-

Contact: Vincent Gogolek, Executive Director, off 604-739-9788 cell 604-318-0031

FIPA Email: fipa@fipa.bc.ca **Website:** www.fipa.bc.ca